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Matt Blunt

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

FROM THIS ANGLE . . . .

Thank you! And, your interest level, please?!

As you are aware, our new rulemaking manual, *Rulemaking 1-2-3, Missouri Style*, was presented on Thursday, October 11, 2001, at 2:00 p.m. in the Interpretive Center here at the Kirkpatrick State Information Center. Our Secretary of State, Matt Blunt, had planned to be here and present the manuals himself. However, the Navy had other plans for him and he was called to active duty on Tuesday, October 9th. We know you join with us in wishing Secretary Blunt the very best in this fulfillment of his commitment to the protection of our great nation and in wishing for his safe and speedy return to Missouri.

We hope you were able to be in attendance for the presentation of the manual and received your copy of the manual. If not, and you desire to have a copy, please stop by our office and pick up your copy. We are providing one per agency that files rules with our office until we see the need for additional copies. However, we are *very* anxious to get the manual in your hands and hope it will be of great assistance to you. Thanks for your patience -- this has been a **tremendous** undertaking by the Administrative Rules staff.

Now that the manual has been completely rewritten and is (or will soon be) in your hands, we are prepared to offer rulemaking classes . . . **if** you, our users, believe they are needed. Please call our office or send us an e-mail at rules@sosmail.state.mo.us and advise of your level of interest in this regard.

We are working . . . .

We are also working to provide you with an on-line version of the rulemaking manual. We hope this, too, will be of assistance to you. Watch our homepage at http://mosl.sos.state.mo.us for this new addition.

We are also talking to several vendors and working with our in-house IT department and hope to be able to offer you a searchable Code and Register in the not too distant future.

Did you know?

If you are in the midst of preparing proposed rules or rule revisions of any type and are uncertain exactly how to proceed — did you know that is our job? We are happy to review your rulemakings with you prior to the filing of the same. Just call the division and make an appointment with one of our editors. We will go over your questions and offer solutions to your problems. We find this makes the rulemaking process much smoother for all involved. We are here to help you.

Transmittal Sheet

If it would be of assistance to you to receive an electronic copy of the transmittal sheet, please let us know and we will be happy to e-mail the same to you for your use.

Please feel free to contact us if we can help you in any step of the rulemaking process.

Lynne C. Angle,
Director, Administrative Rules Division

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

EMERGENCY AMENDMENT

12 CSR 10-24.030 Hearings. The director proposes to amend sections (1), (6) and (9).

PURPOSE: This amendment reflects procedure changes in hearing requests and subpoena witnesses.

*EMERGENCY STATEMENT: The director of revenue is required to conduct hearings, by telephone or in-person, to determine whether drivers have driven with a blood alcohol content over the legal limit and, if so, to withdraw driving privileges. Current regulation allows the driver to select an in-person hearing after a telephone hearing has already been scheduled. This results in a delay in the hearing process on nearly fifty percent (50%) of hearings. This emergency amendment is necessary to ensure public awareness and to preserve a compelling governmental interest requiring an early effective date in that the amendment informs the public of the requirement to choose an in-person or telephone hearing at the time the request for hearing is made rather than after a telephone hearing has been scheduled. Allowing the person to choose the type of hearing at a later time delays the hearing process and allows drivers who pose a threat to public safety to retain driving privileges for a longer period. Removing such drivers from the highways in the most expedient manner is a matter vital to public safety. The director finds that there is an immediate danger to the public welfare, which can only be addressed through this emergency amendment. The director has followed procedures calculated to assure fairness to all interested persons and parties and has complied with protections extended by the **Missouri** and **United States Constitutions**. The director has limited the scope of the emergency amendment to the circumstances creating the emergency. Emergency amendment filed September 20, 2001, effective September 30, 2001, expires March 28, 2002.*

(1) Individuals shall make a written request for a review of the director's determination. **At the time of such request the individual must indicate whether the request is for an in-person hearing. If an in-person hearing is not requested the individual will be scheduled for a telephone hearing and will waive any further opportunity for in-person hearing.** The request must actually be filed with the department on or before the effective date of the suspension or revocation. The effective date shall be fifteen (15) days after the date of issuance of the notice of suspension if the notice is hand delivered or eighteen (18) days from the date of mailing if the notice of suspension is mailed from the department. If any request for a hearing is delivered by United States mail postage prepaid after the effective date of suspension or revocation, the date of the United States postmark stamped on the envelope shall be deemed to be the date of filing. The request shall be sent to: Missouri Department of Revenue, *[Drivers License Bureau]* **Driver and Vehicle Services Bureau**, P*[.]*O*[.]* Box 3700, Jefferson City, MO 65105-3700. If the effective date falls on a Saturday, Sunday or legal holiday in this state, the request for hearing shall be considered timely if it is filed on the next succeeding day which is not a Saturday, Sunday or a legal holiday as specified in 12 CSR 10-24.340.

(6) *[Hearings will be scheduled and conducted by telephone unless a request for an in person hearing is made. Any request for an in-person hearing must be postmarked to the Department of Revenue no later than seven (7) days, not including weekends or holidays, from the date notice of telephonic hearing is mailed. If the hearing is in person, it shall be held in the county in which the arrest occurred.]* **Based upon the type of hearing requested by the individual in the written request for review the director will schedule a hearing.** The party arrested/stopped may be represented by an attorney during any telephonic or in-person hearing. Notice of the hearing, place, date and time shall be sent to the party arrested/stopped and to the attorney of record, if known, at the time of notice. Suspension or revocation shall be stayed until a final order is issued following the hearing. The hearing will be conducted by department examiners who are licensed to practice law in Missouri.

(9) At the hearing the party may present any facts which show the party was not driving a motor vehicle while the alcohol concentration in the person's blood exceeded the limits provided in section 302.505, RSMo. A party may subpoena witnesses **in accordance with the procedures of section 536.077, RSMo. A party may subpoena witnesses,** including the law enforcement officer or blood alcohol concentration analyzer to attend the hearing or participate in a telephonic hearing, by requesting a subpoena from the Department of Revenue *[prior to the hearing.]* **at least five (5) working days prior to the hearing. If a witness fails to appear or participate in the hearing, after proper service of the subpoena, the Department of Revenue will continue the hearing to enforce the subpoena including enforcement action as provided**

in section 536.077, RSMo. In the case of death or total incapacitation of the witness, where enforcement action is not feasible, the department may consider written testimony of the witness prepared at or near the time of the incident in lieu of the actual appearance of such witness and the party may make any objection or argument to such written testimony of the witness.

*AUTHORITY: section 302.530, RSMo [Supp. 1997] **2000**. Original rule filed Feb. 3, 1984, effective May 11, 1984. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 25, 2001. Emergency amendment filed Sept. 20, 2001, effective Sept. 30, 2001, expires March 28, 2002.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 19—Energy Assistance

EMERGENCY AMENDMENT

13 CSR 40-19.020 Low Income Home Energy Assistance Program. The Division of Family Services proposes to amend section (3) to reflect changes made in income levels based on Federal poverty guidelines.

PURPOSE: The emergency amendment to this rule is being made to adjust the monthly income amounts on the LIHEAP Income Ranges Chart.

*EMERGENCY STATEMENT: The division finds that there exists an immediate danger to the public welfare which requires emergency action. This Emergency Amendment follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances, complies with the protections extended by the **Missouri** and **United States Constitutions** and limits the scope of the Emergency Rule to the circumstances creating the emergency and requiring emergency procedure. An emergency amendment is necessary because of the planned implementation of the program in October, 2001. Postponing the date for acceptance of energy assistance applications will result in individuals having their utility service terminated. Termination of utility service can produce a health hazard, particularly to elderly and disabled individuals, since they are more susceptible to hypothermia.*

The rule is necessary to preserve a compelling governmental interest requiring an early effective date in that the rule informs the public regarding income guidelines for receipt of assistance. The eligibility criteria for energy assistance changes each year based on poverty guidelines announced by the Federal government. It is essential for persons potentially eligible for low income home energy assistance to have timely information related to the income guidelines prior to the need for assistance. The procedure employed is fair to all interested parties concerned inasmuch as it equitably allocates energy assistance benefits based on household size and available resources. Emergency amendment filed September 21, 2001, effective October 1, 2001, expires March 29, 2002.

(3) Primary eligibility requirements for this program are as follows:

(D) Each household must have a monthly income no greater than the specific amounts based on household size as set forth in the Low Income Home Energy Assistance Program (LIHEAP) Income Ranges Chart. If the household size and composition of an LIHEAP applicant household can be matched against an active food stamp case reflecting the same household size and composition, monthly income for LIHEAP will be established by using the monthly income documented in the household's food stamp file.

[LIHEAP INCOME RANGES CHART

Monthly Income Amounts

Household Size	*Income Range*	*Income Range*	*Income Range*	*Income Range*	*Income Range*
1	*$0–174*	*$175–348*	*$349–522*	*$523–696*	*$697–870*
2	*$0–234*	*$235–468*	*$469–702*	*$703–936*	*$937–1,172*
3	*$0–271*	*$272–542*	*$543–813*	*$814–1,084*	*$1,085–1,356*
4	*$0–326*	*$327–652*	*$653–978*	*$979–1,304*	*$1,305–1,634*
5	*$0–382*	*$383–764*	*$765–1,146*	*$1,147–1,528*	*$1,529–1,912*
6	*$0–438*	*$439–876*	*$877–1,314*	*$1,315–1,752*	*$1,753–2,190*
7	*$0–493*	*$494–986*	*$987–1,479*	*$1,480–1,972*	*$1,973–2,468*
8	*$0–549*	*$550–1,098*	*$1,099–1,647*	*$1,648–2,196*	*$2,197–2,746*
9	*$0–604*	*$605–1,208*	*$1,209–1,812*	*$1,813–2,416*	*$2,417–3,024*
10	*$0–660*	*$661–1,320*	*$1,321–1,980*	*$1,981–2,640*	*$2,641–3,301*
11	*$0–715*	*$716–1,430*	*$1,431–2,145*	*$2,146–2,860*	*$2,861–3,579*
12	*$0–771*	*$772–1,542*	*$1,543–2,313*	*$2,314–3,084*	*$3,085–3,857*
13	*$0–827*	*$828–1,654*	*$1,655–2,481*	*$2,482–3,308*	*$3,309–4,135*
14	*$0–882*	*$883–1,764*	*$1,765–2,646*	*$2,647–3,528*	*$3,529–4,413*
15	*$0–938*	*$939–1,876*	*$1,877–2,814*	*$2,815–3,752*	*$3,753–4,691*
16	*$0–993*	*$994–1,986*	*$1,987–2,979*	*$2,980–3,972*	*$3,973–4,969*
17	*$0–1,049*	*$1,050–2,100*	*$2,101–3,149*	*$3,150–4,198*	*$4,199–5,247*
18	*$0–1,105*	*$1,106–2,210*	*$2,211–3,315*	*$3,316–4,420*	*$4,421–5,525*
19	*$0–1,160*	*$1,161–2,320*	*$2,321–3,480*	*$3,481–4,640*	*$4,641–5,803*
20	*$0–1,216*	*$1,217–2,432*	*$2,433–3,648*	*$3,649–4,864*	*$4,865–6,081]*

LIHEAP INCOME RANGES CHART

Monthly Income Amounts

Household Size	**Income Range**	**Income Range**	**Income Range**	**Income Range**	**Income Range**
1	**$0–179**	**$180–359**	**$360–539**	**$540–719**	**$720–895**
2	**$0–242**	**$243–485**	**$486–728**	**$729–971**	**$972–1,209**
3	**$0–280**	**$281–561**	**$562–842**	**$843–1,123**	**$1,124–1,402**
4	**$0–338**	**$339–677**	**$678–1,016**	**$1,017–1,355**	**$1,356–1,692**
5	**$0–396**	**$397–793**	**$794–1,190**	**$1,191–1,587**	**$1,588–1,981**
6	**$0–454**	**$455–909**	**$910–1,364**	**$1,365–1,819**	**$1,820–2,270**
7	**$0–512**	**$513–1,025**	**$1,026–1,538**	**$1,539–2,051**	**$2,052–2,560**
8	**$0–570**	**$571–1,141**	**$1,142–1,713**	**$1,714–2,284**	**$2,285–2,849**
9	**$0–628**	**$629–1,257**	**$1,258–1,886**	**$1,887–2,515**	**$2,516–3,139**
10	**$0–686**	**$687–1,373**	**$1,374–2,060**	**$2,061–2,747**	**$2,748–3,428**
11	**$0–743**	**$744–1,487**	**$1,488–2,231**	**$2,232–2,975**	**$2,976–3,717**
12	**$0–801**	**$802–1,603**	**$1,604–2,405**	**$2,406–3,207**	**$3,208–4,007**
13	**$0–859**	**$860–1,718**	**$1,719–2,578**	**$2,579–3,438**	**$3,439–4,296**
14	**$0–917**	**$918–1,834**	**$1,835–2,752**	**$2,753–3,670**	**$3,671–4,586**
15	**$0–975**	**$976–1,950**	**$1,951–2,926**	**$2,927–3,902**	**$3,903–4,875**
16	**$0–1,033**	**$1,034–2,066**	**$2,067–3,100**	**$3,101–4,134**	**$4,135–5,165**
17	**$0–1,091**	**$1,092–2,182**	**$2,183–3,274**	**$3,275–4,366**	**$4,367–5,454**
18	**$0–1,149**	**$1,150–2,298**	**$2,299–3,448**	**$3,449–4,598**	**$4,599–5,743**
19	**$0–1,207**	**$1,208–2,414**	**$2,415–3,622**	**$3,623–4,830**	**$4,831–6,033**
20	**$0–1,264**	**$1,265–2,528**	**$2,529–3,793**	**$3,794–5,058**	**$5,059–6,322**

*AUTHORITY: section 207.020, RSMo [1994] 2000. Emergency rule filed Nov. 26, 1980, effective Dec. 6., 1980, expired March 11, 1981. Original rule filed Nov. 26, 1980, effective March 12, 1981. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Sept. 21, 2001, effective Oct. 1, 2001, expires March 29, 2002. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 13—Rules for the Establishment of a Missouri No-Call Database

EMERGENCY AMENDMENT

15 CSR 60-13.060 Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database. The attorney general is amending subsection (1)(B).

PURPOSE: This amendment to 15 CSR 60-13.060(1)(B) increases the amount persons or entities desiring to access the no call database will pay for access to the whole database from twenty-five dollars ($25) per quarter to twenty-five dollars ($25) per quarter for each Missouri area code. But, the amendment also allows persons or entities desiring to access only certain parts of the no-call database, by area code, to do so by paying the prescribed fee. Finally, the amendment clarifies that the copy the Attorney General will provide them will be on computer disk, and it corrects a syntactical error.

*EMERGENCY STATEMENT: This amendment increases the amount persons or entities desiring to access the no-call database will pay for a copy on disk. Because of the overwhelming popularity of the no-call database, the Attorney General's Office has incurred expenses to design, staff, and maintain the no-call database greater than anyone could have anticipated. Missourians have signed up to place their residential phone numbers on the no-call database in numbers which far exceed the experience of any other state of comparable size, particularly, Tennessee. So far, the database contains over 804,159 numbers protecting over 2 million Missourians from unwanted and intrusive telephone solicitations. Missouri is a no fee state, meaning that persons registering their phone numbers with the Attorney General to be placed on the no-call database do so at no charge. The costs of the database are born by persons or entities desiring to make telephone solicitations that are compliant with the provisions of sections 407.1095 to 407.1113, RSMo 2000, as amended. Because of the need to maintain the no-call database without any gap in service to Missourians who have signed up for it, the Attorney General finds a compelling governmental interest exists that requires an early effective date for this amendment as permitted pursuant to section 536.025 RSMo, (2000). Additionally, small Missouri businesses who conduct telephone solicitations lawfully in compliance with sections 407.1095 to 407.1113, in their local areas only, have expressed their concern to the Attorney General's Office that their computer systems are incapable of handling the mammoth size of the full no-call database. The Attorney General believes it is a compelling government interest to facilitate the on-going compliance with sections 407.1095 to 407.1113 by Missouri businesses. Doing so benefits both the businesses and the over 2 million Missourians protected from unlawful telephone solicitations. The Attorney General has followed procedures calculated to assure fairness to all interested persons and parties under the circumstances. The persons or entities who have already paid for future editions of the no-call database will not have to supplement those payments. This amendment complies with the protections extended by the **Missouri** and **United States Constitutions**. The scope of this amendment is limited to the cost of purchasing a computer disk copy of the no-call database. Emergency amendment filed September 14, 2001, effective October 1, 2001, expires March 29, 2002.*

(1) A person or entity desiring to make telephone solicitations to residential subscribers residing or living in Missouri may obtain a copy of the no-call database for his, her or its lawful use, or for the lawful use by his, her or its employees, or for the lawful use by his, her or its independent contractors for use in their business, so long as the independent contractor is regularly associated with the person or entity and is engaged in the same or related type of business as the person or entity, by doing the following:

(B) Submitting the signed confidentiality agreement along with payment in *[the]* **an** amount *[of]* **equal to** twenty-five dollars **(**$25**)** per quarter **for each Missouri area code** to the Attorney General's Office *[of]* **for** providing *[the]* **a computer disk** copy of the no-call database. **Those persons or entities desiring to obtain access to only part of the no-call database may do so by submitting the signed confidentiality agreement along with a request designating by area code the portion or portions of the no-call database they desire and providing payment in the amount of twenty-five dollars ($25) per quarter per area code to the Attorney General's Office for providing a computer disk copy of the requested portion of the no-call database.**

*AUTHORITY: section 407.1101, RSMo 2000. Original rule filed Sept. 28, 2000, effective March 30, 2001. Amended: Filed Feb. 28, 2001, effective Aug. 30, 2001. Emergency amendment filed Sept. 14, 2001, effective Oct. 1, 2001, expires March 29, 2002. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

PROPOSED AMENDMENT

4 CSR 240-2.080 Pleadings, Filing, and Service. The commission is amending sections (8) and (11)–(21), deleting section (10), and renumbering sections (11)–(21).

PURPOSE: These amendments allow parties before the Missouri Public Service Commission to make filings in an electronic format. The amendments eliminate the requirement for parties to file multiple paper copies if the party chooses to file in an electronic format. The amendments also allow for service between parties by electronic means. The amendment to former section (12) clarifies the time when a pleading or brief shall be officially stamped "filed" by the commission. Finally, former section (10) is deleted because it is redundant and the remaining sections are renumbered.

(8) Any person filing a pleading or a brief shall file with the secretary of the commission **either:**

(A) *[o]***O**ne (1) **paper** original and eight (8) **paper** copies of the pleading**; or**

(B) An electronic copy of the pleading or brief as permitted elsewhere in these rules.

[(10) Any person filing a pleading which initiates a formal complaint at the commission or filing a pleading in a formal complaint case shall file one (1) original or duplicate original and eight (8) copies of the pleading with the secretary of the commission unless otherwise ordered by the commission.]

[(11)] **(10)** The party filing a pleading or brief shall serve each other party a copy of the pleading or brief and cover letter. Any party may contact the secretary of the commission for the names and addresses of the parties in a case.

[(12)] **(11)** The date of filing shall be the date the pleading or brief is stamped filed by the secretary of the commission. **Pleadings or briefs received after 4:00 p.m. will be stamped filed the next day the commission is regularly open for business.**

[(13)] **(12)** Pleadings and briefs in every instance shall display on the cover or first page the case number and the title of the case. In the event the title of a case contains more than one (1) name as applicants, complainants or respondents, it shall be sufficient to show only the first of these names as it appears in the first document commencing the case, followed by an appropriate abbreviation (et al.) indicating the existence of other parties. Unless a case is consolidated, pleadings or briefs shall be filed with only one (1) case number and title thereon.

[(14)] **(13)** Pleadings and briefs **that are not electronically filed** shall be bound at the top or at an edge, shall be typewritten or printed upon white, eight and one-half by eleven-inch (8 1/2" × 11") paper. Attachments to pleadings or briefs shall be annexed and folded to eight and one-half by eleven-inch (8 1/2" × 11") size whenever practicable. Printing on both sides of the page is encouraged. Lines shall be double-spaced, except that footnotes and quotations in excess of three (3) lines may be single-spaced. Reproduction of any of these documents may be by any process provided all copies are clear and permanently legible. **Electronically filed pleadings or briefs shall be formatted in the same manner as paper filings.**

[(15)] **(14)** Pleadings and briefs which are not in substantial compliance with this rule, applicable statutes or commission orders shall not be accepted for filing. **In addition, filings will be scanned for computer viruses before being uploaded into the commission's electronic system and may not be accepted if the filing is infected.** The secretary of the commission may return these pleadings or briefs with a concise explanation of the deficiencies and the reasons for not accepting them for filing. Tendered filings which have been rejected shall not be entered on the commission's docket. The mere fact of filing shall not constitute a waiver of any noncompliance with these rules and the commission may require amendment of a pleading or entertain appropriate motions in connection with the pleading.

[(16)] **(15)** Parties shall be allowed not more than ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the commission.

[(17)] **(16)** Any party seeking expedited treatment in any case shall include in the title of the pleading the words "Motion for Expedited Treatment." The pleading shall also set out with particularity the following:

(A) The date by which the party desires the commission to act;

(B) The harm that will be avoided, or the benefit that will accrue, including a statement of the negative effect, or that there will be no negative effect, on the party's customers or the general public, if the commission acts by the date desired by the party; and

(C) That the pleading was filed as soon as it could have been or an explanation why it was not.

[(18)] **(17)** Methods of Service.

(A) Any person entitled by law may serve a document on a represented party by—

1. Delivering it to the party's attorney;

2. Leaving it at the office of the party's attorney with a secretary, clerk or attorney associated with or employed by the attorney served;

3. Mailing it to the last known address of the party's attorney; *[or]*

4. *[Facsimile transmission to the current facsimile machine of]* **Transmitting it by facsimile machine to** the party's attorney*[.]***; or**

5. Transmitting it to the e-mail address of the party's attorney.

(B) Any person entitled by law may serve a document on an unrepresented party by—

1. Delivering it to the party; or

2. Mailing it to the party's last known address.

(C) Completion of Service.

1. Service by mail is complete upon mailing.

2. Service by facsimile transmission is complete upon actual receipt.

3. Service by electronic mail is complete upon actual receipt.

[(19)] **(18)** Unless otherwise provided by these rules or by other law, the party filing a pleading or brief shall serve every other party, including the general counsel and the public counsel, a copy of the pleading or brief and cover letter.

[(20)] **(19)** Every pleading or brief shall include a certificate of service. Such certificate of service shall be adequate proof of service.

[(21)] **(20)** Any pleading may be amended within ten (10) days of filing, unless a responsive pleading has already been filed, or at any time by leave of the commission.

*AUTHORITY: section 386.410, RSMo [Supp. 1998] **2000**. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed May 15, 1980, effective Sept. 12, 1980. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Amended: Filed Sept. 6, 1985, effective Dec. 15, 1985. Amended: Filed Feb. 23, 1990, effective May 24, 1990. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed Sept. 11, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. AX-2002-66 and be filed with an original and six (6) copies. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 2—Practice and Procedure

PROPOSED AMENDMENT

4 CSR 240-2.130 Evidence. The commission is amending sections (1), (5), (6), (10), (13) and (17).

PURPOSE: These amendments allow parties before the Missouri Public Service Commission to make filings in an electronic format. The amendments also eliminate some paper copies where they are no longer necessary. The amendment to section (13) clarifies how an exhibit filed after a hearing should be submitted. Sections (1), (5), (6), and (13) have been amended for clarity and for grammatical purposes.

(1) In any hearing, **these rules supplement** section 536.070, RSMo*[shall apply, as supplemented by these rules]*.

(5) The rules of privilege *[shall be]* **are** effective to the same extent that they are *[now or may hereafter be]* in civil actions.

(6) Prepared testimony **may be filed electronically. If prepared testimony is not filed electronically it** shall be typed or printed, in black type on white paper eight and one-half inches by eleven inches (8 1/2" × 11"); it shall be double-spaced and pages numbered consecutively at the bottom right-hand corner or bottom center beginning with the first page as page 1; it shall be filed unfolded and stapled together at the top left-hand margin or bound at an edge in booklet form; and it shall *[be filed in sufficient number of copies as required by order of the commission, observing]* **have** the following margins: left-hand margin, one inch (1"); top margin, one inch (1"); right-hand margin, one inch (1"); and bottom margin, one inch (1"). Printing on both sides of the page is encouraged. Schedules shall bear the word "schedule" and the number of the schedule shall be typed in the lower right-hand margin of the first page of the schedule. All prepared testimony and other exhibits and schedules shall contain the following information in the following format on the upper right-hand corner of a cover sheet:

Exhibit No.:	(To be marked by the hearing reporter)
Issue:	(If known at the time of filing)
Witness:	(Full name of witness)
Type of Exhibit:	(Specify whether direct, rebuttal, or other type of exhibit)
Sponsoring Party:	
Case No.:	
Date Testimony Prepared:	

The prepared testimony of each witness shall be filed separately and shall be accompanied by an affidavit providing the witness' oath. Prepared testimony shall be filed on line-numbered pages. Testimony *[which]* **that** addresses more than one (1) issue shall contain a table of contents. **Electronically filed prepared**

testimony shall be formatted and labeled in the same manner as paper filings.

(10) Exhibits shall be legible and, unless otherwise authorized by the commission **or filed electronically**, shall be prepared on standard eight and one-half by eleven inch (8 1/2" × 11")-size paper. The sheets of each exhibit shall be numbered and rate comparisons and other figures shall be set forth in tabular form.

(13) **Unless the presiding officer directs otherwise,** *[W]***w**hen exhibits **that have not previously been filed** are offered in evidence, the original *[and two (2) copies]* shall be furnished to the reporter, and the party offering exhibits also shall be prepared to furnish a copy to each commissioner *[and]***, the** presiding officer and each party*[, unless the copies have previously been furnished or the presiding officer directs otherwise]*.

(17) All *[late filed]* **post-hearing** exhibits shall be *[submitted by simultaneously providing a copy to all parties, and by submitting an original and eight (8) copies to the presiding officer]* **filed with the secretary of the commission in compliance with 4 CSR 240-2.080**. Unless otherwise ordered, any objection to the admission of a *[late filed]* **post-hearing** exhibit must be filed within ten (10) days of the date the exhibit was *[tendered]* **filed**.

AUTHORITY: section 386.410, RSMo [Supp. 1998] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 6, 1981, effective Feb. 15, 1982. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Amended: Filed June 9, 1987, effective Nov. 12, 1987. Amended: Filed Feb. 23, 1990, effective May 24, 1990. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed Sept. 11, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. Comments should refer to Case No. AX-2002-67 and be filed with an original and six (6) copies. No public hearing is scheduled.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 5—Air Quality Standards and Air Pollution Control Rules Specific to the St. Louis Metropolitan Area

PROPOSED AMENDMENT

10 CSR 10-5.300 Control of Emissions From Solvent Metal Cleaning. The commission proposes to amend section (2) and subsection (3)(B), add new subsection (3)(C) that includes original sections (4) and (5), add new subsection (3)(D) that includes original section (6), amend sections (4) and (5) and delete sections (7) and (8). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: This rule amendment will exempt paint spray gun cleaning except remote open top paint spray gun cleaning machines. All remote paint spray gun cleaning machines will be required to be operated per the manufacturer's operating instructions and to be closed or covered when not in use to help eliminate fugitive emissions. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, is correspondence from industry that resulted in this change.

(2) Definitions.

(A) Airless cleaning system—A degreasing machine that is automatically operated and seals at a differential pressure of 25 torr (25.0 millimeters of Mercury (mmHg) (0.475 pounds per square inch (psi)) or less, prior to the introduction of solvent vapor into the cleaning chamber and maintains differential pressure under vacuum during all cleaning and drying cycles.

(B) Air-tight cleaning system—A degreasing machine that is automatically operated and seals at a differential pressure no greater than 0.5 pounds per square inch gauge (psig) during all cleaning and drying cycles.

(C) Aqueous solvent—Any solvent consisting of sixty percent (60%) or more by volume water with a flashpoint greater than ninety-three degrees Celsius (93°C)(one hundred ninety-nine point four degrees Fahrenheit (199.4°F)) and is miscible with water.

(D) Electronic components—All portions of an electronic assembly, including, but not limited to, circuit board assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground wires, bus bars, and associated electronic component manufacturing equipment such as screens and filters.

(E) Freeboard area—The air space in a batch-load cold cleaner that extends from the liquid surface to the top of the tank.

(F) Freeboard height—

1. The distance from the top of the solvent to the top of the tank for batch-loaded cold cleaners;

2. The distance from the air-vapor interface to the top of the tank for open-top vapor degreasers; or

3. The distance from either the air-solvent or air-vapor interface to the top of the tank for conveyorized degreasers.

(G) Freeboard ratio—The freeboard height divided by the smaller of either the inside length or inside width of the degreaser.

(H) Medical device—An instrument, apparatus, implement, machine, contrivance, implant, *in vitro* reagent or other similar article, including any component or accessory that meets one (1) of the following conditions:

1. It is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease;

2. It is intended to affect the structure or any function of the body; or

3. It is defined in the *National Formulary* or the *United States Pharmacopoeia*, or any supplement to them.

[(2)] **(I)** Definitions of certain terms specified in this rule**, other than those specified in this rule section,** may be found in 10 CSR 10-6.020.

(3) General Provisions.

[(B) The owner or operator of a solvent metal cleaning or degreasing operation shall keep monthly inventory records of solvent types and amounts purchased and solvent consumption for a period of two (2) years. These records shall include all types and amounts of solvent containing waste material transferred to either a contract reclamation service or to a disposal facility and all amounts distilled on the premises. The records also shall

include maintenance and repair logs for both the degreaser and any associated control equipment. The director may require further recordkeeping if necessary to adequately demonstrate compliance with this rule. All these records shall be made available to the director upon his/her request.]

(B) Equipment Specifications.

1. Cold cleaners.

A. After September 30, 1998—

(I) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 2.0 millimeters of Mercury (mmHg) (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 2.0 mmHg (0.038 psi) at twenty degrees Celsius (20°C)(sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties, unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C)(sixty-eight degrees Fahrenheit (68°F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C)(sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.

B. After April 1, 2001—

(I) No owner or operator shall operate or allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C)(sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;

(II) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C)(sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties, unless the cold cleaning solvent is used for carburetor cleaning;

(III) No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C)(sixty-eight degrees Fahrenheit (68°F)); and

(IV) No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.

C. Each cold cleaner shall have a cover which will prevent the escape of solvent vapors from the solvent bath while in the closed position or an enclosed reservoir which will limit the escape of solvent vapors from the solvent bath whenever parts are not being processed in the cleaner.

D. Exemptions.

(I) Sales of cold cleaning solvents in quantities of five (5) gallons or less shall be exempt from the requirements of parts (3)(B)1.A.(II), (3)(B)1.A.(IV), (3)(B)1.B.(II) and (3)(B)1.B.(IV) of this rule.

(II) The cleaning of electronic components shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(III) Solvent cleaning operations which meet the emission control requirements of 10 CSR 10-5.330, 10 CSR 10-5.340 or 10 CSR 10-5.442 shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(IV) Cold cleaners using aqueous solvents shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(V) Cold cleaners using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.

(VI) Any cold cleaner with a liquid surface area of one (1) square foot or less or a maximum capacity of one (1) gallon or less shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VII) The cleaning of medical and optical devices shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(VIII) Air-tight or airless cleaning systems shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule if the following requirements are met:

(a) The equipment is operated in accordance with the manufacturer's specifications and operated with a door or other pressure sealing apparatus that is in place during all cleaning and drying cycles;

(b) All waste solvents are stored in properly identified and sealed containers, and managed in compliance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 25, as applicable. All associated pressure relief devices shall not allow liquid solvents to drain out;

(c) Spills during solvent transfer shall be wiped up immediately and managed in compliance with the Missouri Hazardous Waste Commission rules codified at 10 CSR 25, as applicable, and the used wipe rags shall be stored in closed containers; and

(d) A differential pressure gauge shall be installed to indicate the sealed chamber pressure.

(IX) Janitorial and institutional cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.

(X) Paint spray gun and nozzle cleaning machines with the exception of remote open top spray gun cleaning machines shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Paint spray guns and nozzles only may be cleaned in solvent-based materials capable of stripping hardened paint for cleaning, provided the solvent container (not to exceed five (5) gallons in size) is kept tightly covered at all times except when being accessed. All remote paint spray gun cleaning machines shall be operated within the manufacturer's specifications. All remote closed top spray gun cleaning machines shall not be operated unless the cover is closed and shall be closed or covered when not in use.

E. An owner or operator of a cold cleaner may use an alternate method for reducing cold cleaning emissions if the owner or operator shows the level of emission control is equivalent to or greater than the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule. This alternate method must be approved by the director.

F. When one (1) or more of the following conditions exist, the design of the cover shall be such that it can be easily operated with one (1) hand such that minimal disturbing of the solvent vapors in the tank occurs. (For covers larger than ten (10) square feet, this shall be accomplished by either mechanical

assistance such as spring loading or counter weighing or by power systems):

(I) The solvent volatility is greater than 0.3 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)), such as in mineral spirits;

(II) The solvent is agitated; or

(III) The solvent is heated.

G. Each cold cleaner shall have a drainage facility which will be internal so that parts are enclosed under the cover while draining.

H. If an internal drainage facility cannot fit into the cleaning system and the solvent volatility is less than 0.6 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)), then the cold cleaner shall have an external drainage facility which provides for the solvent to drain back into the solvent bath.

I. Solvent sprays, if used, shall be a solid fluid stream (not a fine, atomized or shower-type spray) and at a pressure which does not cause splashing above or beyond the freeboard.

J. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

K. Any cold cleaner which uses a solvent that has a solvent volatility greater than 0.6 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)) or heated above forty-eight point nine degrees Celsius (48.9°C) (one hundred twenty degrees Fahrenheit (120°F)) must use one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) Water cover (solvent must be insoluble in and heavier than water); or

(III) Other control systems with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%). These control systems must receive approval from the director prior to their use.

2. Open-top vapor degreasers.

A. Each open-top vapor degreaser shall have a cover which will prevent the escape of solvent vapors from the degreaser while in the closed position and shall be designed to open and close easily with one (1) hand such that minimal disturbing of the solvent vapors in the tank occurs. For covers larger than ten (10) square feet, easy cover use shall be accomplished by either mechanical assistance, such as spring loading or counter weighing or by power systems.

B. Each open-top vapor degreaser shall be equipped with a vapor level safety thermostat with a manual reset which shuts off the heating source when the vapor level rises above the cooling or condensing coil, or an equivalent safety device approved by the director.

C. Each open-top vapor degreaser with an air/vapor interface over ten and three-fourths (10 3/4) square feet shall be equipped with at least one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) A refrigerated chiller;

(III) An enclosed design (the cover or door opens only when the dry part actually is entering or exiting the degreaser);

(IV) A carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of air vapor area when the cover is open and exhausting less than twenty-five parts per million (25 ppm) of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

(V) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

D. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

3. Conveyorized degreasers.

A. Each conveyorized degreaser shall have a drying tunnel or rotating (tumbling) basket or other means demonstrated to have equal to or better control which shall be used to prevent cleaned parts from carrying out solvent liquid or vapor.

B. Each conveyorized degreaser shall have the following safety switches or equivalent safety devices approved by the director which operate if the machine malfunctions:

(I) A vapor level safety thermostat with manual reset which shuts off the heating source when the vapor level rises just above the cooling or condensing coil; and

(II) A spray safety switch, which shuts off the spray pump if the vapor level in the spray chamber drops four inches (4"), for conveyorized degreasers utilizing a spray chamber.

C. Entrances and exits shall silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is less than four inches (4") or less than ten percent (10%) of the width of the opening.

D. Covers shall be provided for closing off the entrance and exit during hours when the degreaser is not being used.

E. A permanent, conspicuous label summarizing the operating procedures shall be affixed to the equipment.

F. If the air/vapor interface is larger than twenty-one and one-half (21 1/2) square feet, one (1) major control device shall be required. This device shall be one (1) of the following:

(I) A refrigerated chiller;

(II) Carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of the total entrance and exit areas (when downtime covers are open) and exhausting less than twenty-five (25) ppm of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

(III) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

(C) Operating Procedures.

1. Cold cleaners.

A. Cold cleaner covers shall be closed whenever parts are not being handled in the cleaners or the solvent must drain into an enclosed reservoir.

B. Cleaned parts shall be drained in the freeboard area for at least fifteen (15) seconds or until dripping ceases, whichever is longer.

C. Whenever a cold cleaner fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and shall remain shut down until trained service personnel are able to restore operation within the established parameters.

D. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired.

E. Any waste material removed from a cold cleaner shall be disposed of by one (1) of the following methods and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

F. Waste solvent shall be stored in covered containers only.

2. Open-top vapor degreasers.

A. The cover shall be kept closed at all times except when processing workloads through the degreaser.

B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage;

(II) Parts shall be moved in and out of the degreaser at less than eleven feet (11') per minute;

(III) Workload shall remain in the vapor zone at least thirty (30) seconds or until condensation ceases;

(IV) Pools of solvent shall be removed from cleaned parts before removing parts from the degreaser freeboard area; and

(V) Cleaned parts shall be allowed to dry within the degreaser freeboard area for at least fifteen (15) seconds or until visually dry, whichever is longer.

C. Porous or absorbent materials such as cloth, leather, wood or rope shall not be degreased.

D. If workloads occupy more than half of the degreaser's open-top area, rate of entry and removal shall not exceed five feet (5') per minute.

E. Spray shall never extend above vapor level.

F. Whenever an open-top vapor degreaser fails to perform within the operating parameters established for it by this rule, the unit shall be shut down until trained service personnel are able to restore operation within the established parameters.

G. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired.

H. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser open area unless proof is submitted that it is necessary to meet Occupational Safety and Health Administration (OSHA) requirements. Fans shall not be used near the degreaser opening.

I. Water shall not be visually detectable in solvent exiting the water separator.

J. Any waste material removed from an open-top vapor degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

K. Waste solvent shall be stored in closed containers only.

3. Conveyorized degreasers.

A. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser opening unless proof is submitted that it is necessary to meet OSHA requirements. Fans shall not be used near the degreaser opening.

B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage; and

(II) Vertical conveyor speed shall be maintained at less than eleven feet (11') per minute.

C. Whenever a conveyorized degreaser fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and shall remain shut down until trained service personnel are able to restore operation within the established parameters.

D. Solvent leaks shall be repaired immediately or the degreaser shall be shut down until the leaks are repaired.

E. Water shall not be visually detectable in solvent exiting the water separator.

F. Covers shall be placed over entrances and exits immediately after conveyor and exhaust are shut down and removed just before they are started up.

G. Waste solvent shall be stored in closed containers only.

H. Any waste material removed from a conveyorized degreaser shall be disposed of by one (1) of the following methods or equivalent and in accordance with the Missouri Hazardous Waste Management Commission rules codified at 10 CSR 10-25, as applicable:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

(D) Operator and Supervisor Training.

1. Only persons trained in at least the operational and equipment requirements specified in this rule for their particular solvent metal cleaning process shall be permitted to operate the equipment.

2. The supervisor of any person who operates a solvent metal cleaning process shall receive equal or greater operational training than the operator.

3. Refresher training shall be given to all solvent metal cleaning equipment operators at least once each twelve (12) months.

4. Training records shall be maintained per subsections (4)(D) and (4)(E) of this rule.

(4) *[Equipment Specifications]* **Reporting and Record Keeping**.

(A) *[Cold Cleaners.]* **The owner or operator of a solvent metal cleaning or degreasing operation shall keep monthly records of solvent types and amounts purchased and solvent consumed. These records shall include all types and amounts of solvents containing waste material transferred either to a contract reclamation service or to a disposal facility and all amounts distilled on the premises. The records also shall include maintenance and repair logs for both the degreaser and any associated control equipment. The director may require additional record keeping if necessary to adequately demonstrate compliance with this rule.**

[1. After September 30, 1998—

A. No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 2.0 millimeters of Mercury (mmHg) (0.038 pounds per square inch (psi)) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;

B. No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 2.0 mmHg (0.038 psi) at 20°C (68°F) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties unless the cold cleaning solvent is used for carburetor cleaning;

C. No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at 20°C (68°F); and

D. No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of

carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at 20°C (68°F) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.

2. After April 1, 2001—

A. No owner or operator shall operate or allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at 20°C (68°F) unless the cold cleaner is used for carburetor cleaning;

B. No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at 20°C (68°F) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties unless the cold cleaning solvent is used for carburetor cleaning;

C. No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at 20°C (68°F); and

D. No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at 20°C (68°F) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.

3. Exemptions.

A. Sales of cold cleaning solvents in quantities of five (5) gallons or less shall be exempt from the requirements of subparagraphs (4)(A)1.B., (4)(A)1.D., (4)(A)2.B. and (4)(A)2.D.

B. The cleaning of electronic components shall be exempt from the requirements of subparagraphs (4)(A)1.A. and (4)(A)2.A. For purposes of this rule, electronic components means all portions of an electronic assembly, including, but not limited to, circuit board assemblies, printed wire assemblies, printed circuit boards, soldered joints, ground wires, bus bars, and associated electronic component manufacturing equipment such as screens and filters.

C. Solvent cleaning operations which meet the emission control requirements of 10 CSR 10-5.330, 10 CSR 10-5.340 and 10 CSR 10-5.442 shall be exempt from the requirements of subparagraphs (4)(A)1.A. and (4)(A)2.A.

D. Cold cleaners using aqueous solvents shall be exempt from the requirements of subparagraphs (4)(A)1.A., (4)(A)1.C., (4)(A)2.C. and (4)(A)2.A. For the purposes of this rule an aqueous solvent shall be any solvent consisting of sixty percent (60%) or more by volume water with a flashpoint greater than 93°C and is miscible with water.

E. Cold cleaners using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants from the requirements of subparagraphs (4)(A)1.A., (4)(A)1.C., (4)(A)2.C. and (4)(A)2.A.

F. Any cold cleaner with a liquid surface area of one (1) square foot or less or a maximum capacity of one (1) gallon or less from the requirements of subparagraphs (4)(A)1.A. and (4)(A)2.A.

G. The cleaning of medical and optical devices shall be exempt from the requirements of subparagraphs (4)(A)1.A. and (4)(A)2.A. For the purposes of this rule a medical device is an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent or other similar article, including any component or accessory that meets one (1) of the following conditions:

(I) It is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease; or

(II) It is intended to affect the structure or any function of the body; or

(III) It is defined in the National Formulary or the United States Pharmacopeia, or any supplement to them.

H. Air-tight or airless cleaning systems shall be exempt from the requirements of subparagraphs (4)(A)1.A. and (4)(A)2.A. if the following requirements are met. For purposes of this rule "airless cleaning system" is a degreasing machine that is automatically operated and seals at a differential pressure of 25 torr or less, prior to the introduction of solvent vapor into the cleaning chamber and maintains differential pressure under vacuum during all cleaning and drying cycles. For purposes of this rule "air-tight cleaning system" is a degreasing machine that is automatically operated and seals at a differential pressure no greater than 0.5 pounds per square inch gauge (psig) during all cleaning and drying cycles.

(I) The equipment is operated in accordance with the manufacturer's specifications and operated with a door or other pressure sealing apparatus that is in place during all cleaning and drying cycles.

(II) All waste solvents are stored in properly identified and sealed containers. All associated pressure relief devices shall not allow liquid solvents to drain out.

(III) Spills during solvent transfer shall be wiped up immediately and the used wipe rags shall be stored in closed containers.

(IV) A differential pressure gauge shall be installed to indicate the sealed chamber pressure.

I. Janitorial and institutional cleaning shall be exempt from the requirements of subparagraphs (4)(A)1.A. and (4)(A)2.A.

4. An owner or operator of a cold cleaner may use an alternate method for reducing cold cleaning emissions if the owner or operator shows the level of emission control is equivalent to or greater than the requirements of subparagraphs (4)(A)1.A., (4)(A)1.C., (4)(A)2.A. and (4)(A)2.C. This alternate method must be approved by the director.

5. Each cold cleaner shall have a cover which will prevent the escape of solvent vapors from the solvent bath while in the closed position or an enclosed reservoir which will limit the escape of solvent vapors from the solvent bath whenever parts are not being processed in the cleaner.

6. When one (1) or more of the following conditions exist, the design of the cover shall be such that it can be easily operated with one (1) hand and without disturbing the solvent vapors in the tank. (For covers larger than ten (10) square feet, this shall be accomplished by either mechanical assistance such as spring loading or counter weighing or by power systems):

A. The solvent volatility is greater than 0.3 psi measured at one hundred degrees Fahrenheit (100°F), such as in mineral spirits;

B. The solvent is agitated; or

C. The solvent is heated.

7. Each cold cleaner shall have a drainage facility which will be internal so that parts are enclosed under the cover while draining.

8. If an internal drainage facility cannot fit into the cleaning system and the solvent volatility is less than 0.6 psi measured at one hundred degrees Fahrenheit (100°F), then the cold cleaner shall have an external drainage

facility which provides for the solvent to drain back into the solvent bath.

9. Solvent sprays, if used, shall be a solid fluid stream (not a fine, atomized or shower-type spray) and at a pressure which does not cause splashing above or beyond the freeboard.

10. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

11. Any cold cleaner which uses a solvent that has a solvent volatility greater than 0.6 psi measured at one hundred degrees Fahrenheit (100°F) or heated above one hundred twenty degrees Fahrenheit (120°F) must use one (1) of the following control devices:

A. A freeboard ratio of at least 0.75;

B. Water cover (solvent must be insoluble in and heavier than water); or

C. Other control systems with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%). These control systems must receive approval from the director prior to their use.

12. Record keeping.

A. After September 30, 1998, all persons subject to the requirements of subparagraphs (4)(A)1.A., (4)(A)1.C., (4)(A)2.A., and (4)(A)2.C. of this rule shall maintain records which include for each purchase of cold cleaning solvent:

(I) The name and address of the solvent supplier;

(II) The date of purchase;

(III) The type of solvent; and

(IV) The vapor pressure of the solvent in mmHg at 20°C (68°F).

B. After September 30, 1998, all persons subject to the requirements of subparagraphs (4)(A)1.B., (4)(A)1.D., (4)(A)2.B., and (4)(A)2.D. of this rule shall maintain records which include for each sale of cold cleaning solvent:

(I) The name and address of the solvent purchaser;

(II) The date of sale;

(III) The type of solvent;

(IV) The unit volume of solvent;

(V) The total volume of solvent; and

(VI) The vapor pressure of the solvent measured in mmHg at 20°C (68°F).

C. All records required under paragraph (4)(A)12. shall be retained for two (2) years and shall be made available to the director upon request.]

(B) *[Open-Top Vapor Degreasers.]* **After September 30, 1998, all persons subject to the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I), (3)(B)1.B.(III) shall maintain records which include for each purchase of cold cleaning solvent:**

[1. Each open-top vapor degreaser shall have a cover which will prevent the escape of solvent vapors from the degreaser while in the closed position and shall be designed to open and close easily with one (1) hand and without disturbing the solvent vapors in the tank. For covers larger than ten (10) square feet, easy cover use shall be accomplished by either mechanical assistance such as spring loading or counter weighing or by power systems.]

1. The name and address of the solvent supplier;

[2. Each open-top vapor degreaser shall be equipped with a vapor level safety thermostat with a manual reset, which shuts off the heating source when the vapor level rises above the cooling or condensing coil or equipped with an equivalent safety device approved by the director.]

2. The date of purchase;

[3. Each open-top vapor degreaser with an air/vapor interface over ten and three-fourths (10 3/4) square feet shall be equipped with at least one (1) of the following control devices:]

3. The type of solvent; and

[A. freeboard ratio of at least 0.75;

B. A refrigerated chiller;

C. An enclosed design (the cover or door opens only when the dry part actually is entering or exiting the degreaser);

D. A carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of air vapor area when the cover is open and exhausting less than twenty-five parts per million (25 ppm) of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

E. A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.]

4. *[A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment]* **The vapor pressure of the solvent in mmHg at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F))**.

(C) *[Conveyorized Degreasers.]* **After September 30, 1998, all persons subject to the requirements of parts (3)(B)1.A.(II), (3)(B)1.A.(IV), (3)(B)1.B.(II), (3)(B)1.B.(IV) shall maintain records which include for each sale of cold cleaning solvent:**

[1. Each conveyorized degreaser shall have a drying tunnel or rotating (tumbling) basket or other means demonstrated to have equal to or better control which shall be used to prevent cleaned parts from carrying out solvent liquid or vapor.]

1. The name and address of the solvent purchaser;

[2. Each conveyorized degreaser shall have the following safety switches or equivalent safety devices approved by the director which operate if the machine malfunctions:]

2. The date of sale;

[A. A vapor level safety thermostat with manual reset which shuts off the heating source when the vapor level rises just above the cooling or condensing coil; and

B. A spray safety switch, which shuts off the spray pump if the vapor level in the spray chamber drops four inches (4"), for conveyorized degreasers utilizing a spray chamber.]

[3. Entrances and exits shall silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is less than four inches (4") or less than ten percent (10%) of the width of the opening.]

3. The type of solvent;

[4. Covers shall be provided for closing off the entrance and exit during hours when the degreaser is not being used.]

4. The unit volume of solvent;

[5. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.]

5. The total volume of solvent; and

6. *[If the air/vapor interface is larger than twenty-one and one-half (21 1/2) square feet, one (1) major control device shall be required. This device shall be one (1) of the following:]***The vapor pressure of the solvent measured in mmHg at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)).**

[A. A refrigerated chiller;

B. Carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of the

total entrance and exit areas (when downtime covers are open) and exhausting less than twenty-five (25) ppm of solvent by volume averaged over a complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

C. A control system with a mass balance demonstrated VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.]

(D) A record shall be kept of solvent metal cleaning training for each employee.

(E) All records required under subsections (4)(A), (4)(B), (4)(C) and (4)(D) of this rule shall be retained for five (5) years and shall be made available to the director upon request.

(5) *[Operating Procedures.]* **Test Methods.** ***(Not applicable)***

[(A) Cold Cleaners.

1. Cold cleaner covers shall be closed whenever parts are not being handled in the cleaners or the solvent must drain into an enclosed reservoir.

2. Cleaned parts shall be drained in the freeboard area for at least fifteen (15) seconds or until dripping ceases, whichever is longer.

3. Whenever a cold cleaner fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and secured. It shall remain shut down until trained service personnel are able to restore operation within the established parameters.

4. Solvent leaks shall be repaired immediately or the degreaser will be shut down and the leaks secured until they can be more permanently repaired.

5. Any waste material removed from a cold cleaner shall be disposed of by one (1) of the following methods or equivalent (after the director's approval) and in accordance with 10 CSR 25, as applicable:

A. Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and disposal of the still bottom waste; or

B. Storage in closed containers for transfer to—

(I) A contract reclamation service; or

(II) A disposal facility approved by the director.

6. Waste solvent shall be stored in closed containers only.

(B) Open-Top Vapor Degreasers.

1. The cover shall be kept closed at all times except when processing work loads through the degreaser.

2. Solvent carry-out shall be minimized in the following ways:

A. Parts shall be racked, if practical, to allow full drainage;

B. Parts shall be moved in and out of the degreaser at less than eleven feet (11') per minute;

C. Work load shall remain in the vapor zone at least thirty (30) seconds or until condensation ceases;

D. Pools of solvent shall be removed from cleaned parts before removing parts from the degreaser freeboard area; and

E. Cleaned parts shall be allowed to dry within the degreaser freeboard area for at least fifteen (15) seconds or until visually dry, whichever is longer.

3. Porous or adsorbent materials such as cloth, leather, wood or rope shall not be degreased.

4. If work loads occupy more than half of the degreaser's open-top area, rate of entry and removal shall not exceed five feet (5') per minute.

5. Spray shall never extend above vapor level.

6. Whenever an open-top vapor degreaser fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and secured. It shall remain shut down until trained service personnel are able to restore operation within the established parameters.

7. Solvent leaks shall be repaired immediately or the degreaser shall be shut down and the leaks secured until they can be more permanently repaired.

8. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser open area unless proof is submitted that it is necessary to meet Occupational Safety Health Administration (OSHA) requirements. Fans shall not be used near the degreaser opening.

9. Water shall not be visually detectable in solvent exiting the water separator.

10. Any waste material removed from an open-top vapor degreaser shall be disposed of by one (1) of the following methods or equivalent (after the director's approval), and in accordance with 10 CSR 25, as applicable:

A. Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and disposal of the still bottom waste; or

B. Storage in closed containers for transfer to—

(I) A contract reclamation service; or

(II) A disposal facility approved by the director.

11. Waste solvent shall be stored in closed containers only.

(C) Conveyorized Degreasers.

1. Ventilation exhaust shall not exceed sixty-five (65) cubic feet per minute per square foot of degreaser opening unless proof is submitted that it is necessary to meet OSHA requirements. Fans shall not be used near the degreaser opening.

2. Solvent carry-out shall be minimized in the following ways:

A. Parts shall be racked, if practical, to allow full drainage; and

B. Vertical conveyor speed shall be maintained at less than eleven feet (11') per minute.

3. Whenever a conveyorized degreaser fails to perform within the operating parameters established for it by this rule, the unit shall be shut down immediately and secured. It shall remain shut down until trained service personnel are able to restore operation within the established parameters.

4. Solvent leaks shall be repaired immediately or the degreaser shall be shut down and the leaks secured until they can be more permanently repaired.

5. Water shall not be visually detectable in solvent exiting the water separator.

6. Covers shall be placed over entrances and exits immediately after conveyor and exhaust are shut down and removed just before they are started up.

7. Waste solvent shall be stored in closed containers only.

8. Any waste material removed from a conveyorized degreaser shall be disposed of by one (1) of the following methods or equivalent (after the director's approval), and in accordance with 10 CSR 25, as applicable:

A. Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and disposal of the still bottom waste; or

B. Storage in closed containers for transfer to—

(I) A contract reclamation service; or

(II) A disposal facility approved by the director.

(6) Operator and Supervisor Training.

(A) Only persons trained in at least the operational and equipment requirements specified in this rule for their particular solvent metal cleaning process shall be permitted to operate the equipment.

(B) The supervisor of any person who operates a solvent metal cleaning process shall receive equal or greater operational training than the operator.

(C) Refresher training shall be given to all solvent metal cleaning equipment operators at least once each twelve (12) months.

(D) A record shall be kept of solvent metal cleaning training for each employee.

(7) Effective Dates of Compliance.

(A) Owners or operators subject to this rule shall be in compliance with operating procedures and operator and supervisor training requirements as described in sections (5) and (6) of this rule no later than June 1, 1979.

(B) Owners or operators subject to this rule shall comply with equipment specifications as described in section (4) of this rule and associated equipment operating procedures by June 11, 1980.

(C) Owners or operators subject to this rule as a result of the amendment, effective March 11, 1989, shall be in compliance with operating procedures and operator and supervisor training requirements as described in sections (5) and (6) no later than September 11, 1989.

(D) Owners and operators subject to this rule as a result of the amendment shall be in compliance with equipment specifications as described in section (4) by March 11, 1989, and associated equipment operating procedures by March 11, 1990.

(8) Exceptions.

(A) Solvent metal cleaning operations using 1,1,1-trichloroethane (methyl chloroform) or trichlorotrifluoroethane (Refrigerant 113) will be exempt from the requirements of this rule. This exemption does not relieve the owners or operators from compliance with other applicable statutes or rules of the department.

(B) 1,1,1-trichloroethane (methyl chloroform) and trichlorotrifluoroethane (Refrigerant 113) have been implicated as having deleterious effects on stratospheric ozone and, therefore, may be subject to future rules.]

*AUTHORITY: section 643.050, RSMo [Supp. 1997] **2000**. Original rule filed Nov. 14, 1978, effective June 11, 1979. Amended: Filed Oct. 4, 1988, effective March 11, 1989. Emergency amendment filed Sept. 2, 1997, effective Jan. 1, 1998, expired June 30, 1998. Amended: Filed Sept. 22, 1997, effective May 30, 1998. Amended: Filed Sept. 13, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 6, 2001. The public hearing will be held at the Tan-Tar-A Resort, Parasol II, State Road KK, Osage Beach, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 13, 2001. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.060 Construction Permits Required. The commission proposes to amend subsection (1)(B) and amend subsection (1)(D). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: This amendment provides an exemption for non-commercial incinerators recommended by the University of Missouri extension service for disposal of dead animals and removes the reference to asphaltic concrete plants from the applicability section of the rule. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo is the May 28, 2000 memorandum from the Missouri Attorney General's Office identifying the discrepancies between state statute requirements and state permit rule requirements.

(1) Applicability.

(B) Covered Installations/Changes. This rule shall apply to installations throughout Missouri with the potential to emit any pollutant in an amount equal to or greater than the *de minimis* levels. This rule also shall apply to changes at installations which emit less than the *de minimis* levels where the construction or modification itself would be subject to section (6), (7), (8) or (9) of this rule. This rule shall apply to all incinerators *[and asphaltic concrete plants]*.

(D) Exempt Emissions Units.

1. The following combustion equipment is exempt from this rule if the equipment emits only combustion products, and the equipment produces less than one hundred fifty (150) pounds per day of any air contaminant:

A. Any combustion equipment using exclusively natural or liquefied petroleum gas or any combination of these with a capacity of less than ten (10) million British thermal units *[(BTUs)]* **(Btus)** per hour heat input; or

B. Any combustion equipment with a capacity of less than one (1) million *[BTUs]* **Btus** per hour heat input.

2. The following establishments, systems, equipment and operations also are exempt from this rule:

A. Office and commercial buildings, where emissions result solely from space heating by natural or liquefied petroleum gas of less than twenty (20) million *[BTUs]* **Btus** per hour heat input. Incinerators operated in conjunction with these sources are not exempt;

B. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

C. Equipment used for any mode of transportation;

D. Livestock and livestock handling systems from which the only potential air contaminant is odorous gas;

E. Any grain handling, storage and drying facility which—

(I) Is in noncommercial use only, that is, used only to handle, dry or store grain produced by the owner if—

(a) The total storage capacity does not exceed seven hundred fifty thousand (750,000) bushels;

(b) The grain handling capacity does not exceed four thousand (4,000) bushels per hour; and

(c) The facility is located at least five hundred feet (500') from any recreational area, residence or business not occupied or used solely by the owner; and

(II) Is in commercial use and the total storage capacity of the new and any existing facility(ies) does not exceed one hundred ninety thousand (190,000) bushels;

F. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

G. Sand and gravel operations that have a maximum capacity to produce less than seventeen and one-half (17.5) tons of product per hour and use only natural gas as fuel when drying;

H. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;

I. Equipment or control equipment which eliminates all emissions to the ambient air;

J. Equipment (other than anaerobic lagoons) or control equipment which emits odors unless the equipment or control equipment also emits other regulated air pollutants;

K. Residential wood heaters, cookstoves or fireplaces;

L. Laboratory equipment used exclusively for chemical and physical analysis or experimentation, except equipment used for controlling radioactive air contaminants;

M. Recreational fireplaces; *[and]*

N. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption*[.]*; **and**

O. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized, as authorized in section 269.020.6, RSMo 2000.

3. At installations, previously issued a permit under this rule, construction or modifications are exempt from this rule if they meet the requirements of subparagraphs (1)(D)3.A. or (1)(D)3.B. of this rule for criteria pollutants, except lead, and subparagraph (1)(D)3.C. for hazardous air pollutants. The director may require review of construction or modifications otherwise exempt under subparagraphs (1)(D)3.A., (1)(D)3.B., or (1)(D)3.C. of this rule if the emissions of the proposed construction or modification will appreciably affect air quality or the air quality standards are appreciably exceeded or complaints involving air pollution have been filed in the vicinity of the proposed construction or modification.

A. For proposed construction or modification located less than five hundred (500) feet from the property boundary, at maximum design capacity the proposed construction or modification shall emit each criteria pollutant at a rate of no more than one-half (0.5) pounds per hour. For proposed construction or modification located more than five hundred (500) feet from the property boundary, at a maximum design capacity the proposed construction or modification shall emit each criteria pollutant at a rate of no more than 0.91 pounds per hour.

B. Actual emissions of each criteria pollutant will be no more than eight hundred seventy-six (876) pounds per year.

C. At maximum design capacity the proposed construction or modification will emit a hazardous air pollutant at a rate of no more that one-half (0.5) pounds per hour, or the hazardous air pollutant emission threshold as established in subsection (12)(J) of this rule, whichever is less.

*AUTHORITY: section 643.050, RSMo [Supp. 1998] **2000**. Original rule filed Dec. 10, 1979, effective April 11, 1980. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Sept. 4, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 6, 2001. The public hearing will be held at the Tan-Tar-A Resort, Parasol II, State Road KK, Osage Beach, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 13, 2001. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods and Air Pollution Control Regulations for the Entire State of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.065 Operating Permits. The commission proposes to delete subsection (3)(C) and renumber and amend original subsection (3)(D). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: This amendment provides an exemption for noncommercial incinerators recommended by the University of Missouri extension service for disposal of dead animals and removes the reference to asphaltic concrete plants from the applicability section of the rule. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo is the May 28, 2000 memorandum from the Missouri Attorney General's Office identifying the discrepancies between state statute requirements and state permit rule requirements.

(3) Applicability.

[(C) Asphaltic Concrete Plants. This rule shall apply to all asphaltic concrete plants.]

*[(D)]***(C)** Exempt Installations and Emission Units. The following installations and emission units are exempt from the requirements of this rule unless such units are Part 70 installations or are located at Part 70 installations. Emissions from exempt installations and emission units shall be considered when determining if the installation is a Part 70 installation:

1. Any installation that would be required to obtain a permit solely because it is subject to 10 CSR 10-6.070(7)(AAA) Standards of Performance for New Residential Wood Heaters;

2. Any installation that would be required to obtain a permit solely because it is subject to 10 CSR 10-6.240 or 10 CSR 10-6.250;

3. Single or multiple family dwelling units for not more than three (3) families;

4. Comfort air conditioning or comfort ventilating systems not designed or used to remove air contaminants generated by, or released from, specific units of equipment;

5. Equipment used for any mode of transportation;

6. Livestock and livestock handling systems from which the only potential air contaminant*[s]* is odorous gas;

7. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption;

8. Fugitive dust controls unless a control efficiency can be assigned to the equipment or control equipment;

9. Equipment or control equipment which eliminates all emissions to the ambient air;

10. Equipment (other than anaerobic lagoons) or control equipment which emits odors unless this equipment or control equipment also emits other regulated air pollutants;

11. Residential wood heaters, cookstoves or fireplaces;

12. Laboratory equipment used exclusively for chemical and physical analysis or experimentation is exempt, except equipment used for controlling radioactive air contaminants;

13. Recreational fireplaces;

14. Stacks or vents to prevent the escape of sewer gases through plumbing traps for systems handling domestic sewage only. Systems which include any industrial waste do not qualify for this exemption;

15. Combustion equipment that—

A. Emits only combustion products;

B. Produces less than one hundred fifty (150) pounds per day of any air contaminant; and

C. Has a maximum rated capacity of—

(I) Less than ten (10) million British thermal units *[(BTUS)]* **Btus** per hour heat input by using exclusively natural or liquefied petroleum gas, or any combination of these; or

(II) Less than one (1) million *[BTUS]* **Btus** per hour heat input;

16. Office and commercial buildings, where emissions result solely from space heaters using natural gas or liquefied petroleum gas with a maximum rated capacity of less than twenty (20) million *[BTUS]* **Btus** per hour heat input. Incinerators operated in conjunction with these sources are not exempt;

17. Any country grain elevator that never handles more than one million two hundred thirty-eight thousand six hundred fifty-seven (1,238,657) bushels of grain during any twelve (12)-month period and is not located within an incorporated area with a population of fifty thousand (50,000) or more. A country grain elevator is defined as a grain elevator that receives more than fifty percent (50%) of its grain from producers in the immediate vicinity during the harvest season. This exemption does not include grain terminals which are defined as grain elevators that receive grain primarily from other grain elevators. To qualify for this exemption the owner or operator of the facility shall retain monthly records of grain origin and bushels of grain received, processed and stored for a minimum of five (5) years to verify the exemption requirements. Monthly records must be tabulated within seven (7) days of the end of the month. Tabulated monthly records shall be made available immediately to Missouri Department of Natural Resources representatives for an announced inspection or within three (3) hours for an unannounced visit;

[18. Restaurants and other retail establishments for the purpose of preparing food for employee and guest consumption; and]

[19.] **18.** Sand and gravel operations that have a maximum capacity to produce less than seventeen and one-half (17.5) tons of product per hour and use only natural gas as fuel when drying*[.]*; **and**

19. Noncommercial incineration of dead animals, the on-site incineration of resident animals for which no consideration is received or commercial profit is realized, as authorized in section 269.020.6, RSMo 2000.

AUTHORITY: section 643.050, RSMo [Supp. 1998] 2000. Original rule filed Sept. 2, 1993, effective May 9, 1994. Amended: Filed June 5, 1995, effective Jan. 30, 1996. Amended: Filed Oct. 3, 1995, effective June 30, 1996. Amended: Filed Aug. 14, 1997, effective April 30, 1998. Amended: Filed Sept. 22, 1999, effective May 30, 2000. Amended: Filed Sept. 4, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., December 6, 2001. The public hearing will be held at the Tan-Tar-A Resort, Parasol II, State Road KK, Osage Beach, Missouri. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., December 13, 2001. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 6—Permits

PROPOSED AMENDMENT

10 CSR 20-6.200 Storm Water Regulations. The commission proposes to amend sections (1)–(5). EPA promulgated rules effective November 1999 requiring storm water permits on construction sites between one (1) and five (5) acres in size and on municipal storm water sewer systems in urbanized areas serving populations of less than one hundred thousand (100,000). The federal rule also allows for permit exemptions on industrial facilities, which protect their operations from storm water. Missouri must develop a Phase II program and issue permits within three (3) years of the final federal rule.

PURPOSE: This amendment will expand these rules to include a broader group of activities. The evidence supporting this proposed rulemaking per section 536.016, RSMo, lies in the federal rule that mandates this amendment in delegated, state storm water programs.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Storm Water Permits—General.

(A) All persons who operate, use, *[disturb land,]* maintain existing storm water point sources *[or before beginning any construction which]* **and who disturb land that** would result in a storm water point source shall apply to the department for the permits required by the Missouri Clean Water Law and these regulations. **A permit must be obtained before beginning any new construction related to the above activities.** The department issues these permits in order to enforce the Missouri Clean Water Law and regulations and administer the state operating permit program.

(B) Nothing shall prevent the department from taking action, including the requirement for issuance of any permits under the Missouri Clean Water Law and regulations, if any of the operations exempted should cause pollution of waters of the state or otherwise violate the Missouri Clean Water Law or these regulations. The following are exempt from storm water permit regulations:

1. Discharges from facilities or activities excluded from the state operating permit program under 10 CSR 20-6.010(1)(B);

2. Areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots, as long as the drainage from the excluded areas is not mixed with storm water drained from permitted areas;

3. *De minimis* discharges as defined by the department in general permits or by the Clean Water Commission;

4. Recycling collection points which are covered in a manner which prevents contact with storm water, including run on;

5. Farmlands, domestic gardens or lands used for sludge management where **domestic** sludge is beneficially reused and which are not physically located in the confines of the facility producing the sludge;

6. Agricultural storm water discharges and irrigation return flows;

7. Sites that disturb less than *[five (5) acres]* **one (1) acre** of total land area which are not part of a common plan or sale. Land disturbance activity on an individual residential building lot is not considered as part of the overall subdivision unless the activity is by the developer to improve the lot for sale;

8. Linear, strip or ribbon construction or maintenance operations meeting one (1) of the following criteria:

A. Grading of existing dirt or gravel roads which does not increase the runoff coefficient and the addition of an impermeable surface over an existing dirt or gravel road;

B. Cleaning or routine maintenance of roadside ditches, sewers, waterlines, pipelines, utility lines or similar facilities;

C. Trenches two feet (2') in width or less; or

D. Emergency repair or replacement of existing facilities as long as best management practices are employed during the emergency repair;

9. Mowing, brush hog clearing, tree cutting or similar activities which do not grade, dig, excavate or otherwise remove or kill the surface growth and root system of the ground cover;

10. Landfills which have received Missouri Department of Natural Resources approval to close and which are in compliance with any post-closure monitoring, management requirements and deed restrictions, unless the department determines the facility is a significant discharger of storm water related pollutants; *[and]*

11. Facilities built to control the release of only storm water are not subject to the construction permitting requirement of 10 CSR 20-6.010(4), provided that the storm water does not come in contact with process waste, process wastewater or significant materials, and the storm water is not a significant contributor of pollutants*[.]*;

12. The department may waive permit coverage if a municipal separate storm sewer system (MS4) serves a population of less than one thousand (1,000) within an urbanized area and the discharges meet the following criteria:

A. The discharges are not contributing substantially to the pollutant loadings of a physically interconnected MS4 that is regulated by the department's storm water program; and

B. If the discharge includes any pollutant(s) that have been identified as a cause of impairment of any water body to which it flows and storm water controls are not needed based on wasteload allocations that are part of a U.S. Environmental Protection Agency (EPA) approved or established total maximum daily load (TMDL) that addresses the pollutant(s) of concern;

13. The department waive permit coverage if a MS4 serves a population under ten thousand (10,000) and the discharges meet the following criteria:

A. The department has evaluated all waters of the state, including small streams, tributaries, lakes, and ponds, that receive a discharge from the MS4;

B. For all such waters, the department has determined that storm water controls are not needed based on wasteload allocations that are part of an EPA approved or established TMDL that addresses the pollutant(s) of concern or, if a TMDL has not been developed or approved, an equivalent analysis that determines sources and allocations for the pollutant(s) of concern;

C. For the purpose of this paragraph, the pollutant(s) of concern include biochemical oxygen demand (BOD), sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation), pathogens, oil and grease, and any pollutant that has been identified as a cause of impairment of any water body that receives a discharge from a MS4; and

D. The department has determined that future discharges from a MS4 do not have the potential to result in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts;

14. A regulated small MS4, may share the responsibility under the following:

A. A MS4 may develop an agreement with another entity to assist with satisfying the National Pollutant Discharge Elimination System (NPDES) permit obligations or with implementing a minimum control measure if:

(I) The other entity currently implements the control measure;

(II) The particular control measure, or component thereof, is at least as stringent as the corresponding permit requirement; and

(III) A MS4 that relies on another entity to satisfy some of the permit obligations specifies the condition of the agreement, including a description of the obligations implemented by the other entity. The permitted MS4 remains ultimately responsible for compliance with the permit obligations if the other entity fails to implement the control measure (or component thereof);

B. In some cases, the department may recognize, either in an individual permit or in a general permit that another governmental entity is responsible under a permit for implementing one or more of the minimum control measures for a small MS4. Where the department recognizes these dual responsibilities, the department may not require the MS4 to include such minimum control measure(s) in their program. The MS4 permit may be modified to include the requirement to implement a minimum control measure if the other entity fails to implement it;

15. The director may waive the otherwise applicable requirements in a general permit for a storm water discharge from construction activities that disturb less than five (5) acres, but more than one (1) acre, where:

A. The value of the rainfall erosivity factor R in the Revised Universal Soil Loss Equation is less than five (5) during the period of construction activity. The rainfall erosivity factor is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Universal Soil Loss Equation (RUSLE), pages 21-64, dated January 1997, which is incorporated in this rule by reference. Copies may be obtained from EPA's Water Resource Center, Mail Code RC4100, 401 M Street S.W., Washington, DC 20460. An operator must certify to the director that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five (5); or

B. A TMDL approved or established by the department or by the EPA that addresses the pollutant(s) of concern without the need for storm water controls;

C. Waste load allocations are not needed on nonimpaired waters to protect water quality based on consideration of existing in-stream concentrations, expected growth in pollutant contributions from all sources, and a margin of safety. For the purpose of paragraphs (1)(B)15.B. and C. of this rule, the pollutant(s) of concern include sediment or a parameter that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause or a potential cause of impairment of any water body that will receive a discharge from the construction activity. The operator must certify to the department that the construction activity will take place, and that storm water discharges will occur, within the drainage area addressed by the TMDL or by an equivalent analysis; and

16. A storm water permit under this rule may be excluded for industrial activities that do not expose materials to storm water. No exposure exists if the industrial materials and activities are protected from rain, snow, snowmelt and/or runoff and the operator meets the requirements under parts A.(I) through B.(III) of this paragraph.

A. Industrial materials and activities protected by storm resistant shelter. No exposure means that all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt, and/or runoff. Industrial materials or activities include, but are not limited to, material handling equipment or activities, industrial machinery, raw materials, intermediate products, by-products, final products, or waste products. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product or waste product. To qualify a permit exclusion under this paragraph, the operator of the discharge must:

(I) Provide a storm resistant shelter to protect industrial materials and activities from exposure to rain, snow, snowmelt, and runoff;

(II) Complete and sign a certification that storm water is not contaminated by exposure to industrial materials and activities from the entire facility, except as provided in paragraph (I)(A)2. of this rule;

(III) Resubmit the signed certification to the department once every five (5) years;

(IV) Allow the department to inspect the facility to determine compliance with the no-exposure conditions;

(V) Make the no-exposure inspection reports available to the public upon request; and

(VI) For facilities that discharge through a MS4, submit a copy of the certification of no-exposure to the MS4 operator, as well as allow inspection and public reporting of the inspection findings by the MS4 operator.

B. Industrial materials and activities not requiring storm resistant shelter. An industrial site may qualify for this exclusion without a storm resistant shelter if:

(I) Drums, barrels, tanks, and similar containers are tightly sealed, provided those containers are not deteriorated and do not leak. Sealed means banded or otherwise secured and without operational taps or valves;

(II) Adequately maintained vehicles are used in material handling; and

(III) All industrial materials consist of final products, other than products that would be mobilized by storm water.

(C) Definitions.

1. Best management practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

2. BMPs for land disturbance. A schedule of activities, practices or procedures that reduces the amount of soil available for transport or a device that reduces the amount of suspended solids in runoff before discharge to waters of the state. Types of BMPs for storm water control include, but are not limited to:

A. State-approved standard specifications and permit programs;

B. Employee training in erosion control, material handling and storage and housekeeping of maintenance areas;

C. Site preparation such as grading, surface roughening, topsoiling, tree preservation and protection, and temporary construction entrances;

D. Surface stabilization such as temporary seeding, permanent seeding, mulching, sodding, ground cover including vines and shrubs, riprap and geotextile fabric. Mulches may be hay, straw, fiber mats, netting, wood cellulose, corn or tobacco stalks, bark, corn cobs, wood chips or other suitable material which is reasonably clean and free of noxious weeds and deleterious materials. Grasses used for temporary seeding shall be a quick growing species such as rye grass, Italian rye grass or cereal grasses suitable to the area and which will not compete with the grasses sown later for permanent cover;

E. Runoff control measures such as temporary diversion dikes or berms, permanent diversion dikes or berms, right-of-way or perimeter diversion devices, and retention and detention basins. Sediment traps and barriers, sediment basins, sediment (silt) fence and staked straw bale barriers;

F. Runoff conveyance measures such as grass-lined channels, riprap and paved channels, temporary slope drains, paved flumes or chutes. Slope drains may be constructed of pipe, fiber mats, rubble, Portland cement concrete, bituminous concrete, plastic sheets or other materials that adequately will control erosion;

G. Inlet and outlet protection;

H. Streambank protection such as a vegetative greenbelt between the land disturbance and the watercourse. Also, structural protection which stabilizes the stream channel;

I. A critical path method analysis or a schedule for performing erosion control measures; and

J. Other proven methods for controlling runoff and sedimentation;

3. Copetitioner. A person with apportioned legal, financial and administrative responsibility based on land area under its control for filing Parts 1 and Part 2 of a state operating permit for the discharge of storm water from municipal separate storm sewer systems. A copetitioner becomes a copermittee once the permit is issued.

4. Copermittee. A permittee to a state operating permit that is responsible only for permit conditions relating to the discharge for which it is owner or operator, or both.

5. *De minimis* water contaminant source. A water contaminant source, point source or wastewater treatment facility that is determined by the department to pose a negligible potential impact

on waters of the state even in the event of the malfunction of wastewater treatment controls or material handling procedures.

6. Field screening point. A specific location which during monitoring will provide representative information to indicate the presence of illicit connections or illegal dumping and quality of water within a municipal separate storm sewer system.

7. Illicit discharge. Any discharge to a municipal separate storm sewer that is not composed entirely of storm water, except discharges pursuant to a state operating permit, other than storm water discharge permits and discharges from fire fighting activities.

8. Incorporated place (in Missouri, a municipality). A city, town or village that is incorporated under the laws of Missouri.

9. Landfill. Location where waste materials are deposited on or buried within the soil or subsoil. Included are open dumps and landfills built or operated, or both, prior to the passage of the Missouri Solid Waste Management Law as well as those built or operated, or both, since.

10. Large municipal separate storm sewer system. All municipal separate storm sewers that are either—

A. Located in an incorporated place with a population of two hundred fifty thousand (250,000) or more;

B. Located in the counties designated by the director as unincorporated places with significant urbanization and identified systems of municipal separate storm sewers;

C. Owned and operated by a municipality other than those described in subparagraph (1)(C)10.A. of this rule that are designated by the director as part of a system. In making this determination, the director may consider the following factors:

(I) Physical interconnections between the municipal separate storm sewers;

(II) The location of discharges from the designated municipal storm sewer relative to the discharges from municipal separate storm sewer described in subparagraph (1)(C)10.A. of this rule;

(III) The quantity and nature of pollutants discharged to the waters of the state;

(IV) The nature of the receiving waters; or

(V) Other relevant factors; and

D. The director, upon petition, may designate as a large municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional, watershed or other appropriate basis that includes one (1) or more of the systems described in subparagraph (1)(C)10.A. of this rule.

11. MS4 means:

A. A municipal separate storm sewer system.

[11.] **12.** Major municipal separate storm sewer system outfall (major outfall). A municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of thirty-six inches (36") or more (or its equivalent) or for municipal separate storm sewers that receive storm waters from lands zoned for industrial activity within the municipal separate storm sewer system with an outfall that discharges from a single pipe with an inside diameter of twelve inches (12") or more (or from its equivalent). Industrial activity areas do not include commercial areas.

[12.] **13.** Major outfall. A major municipal separate storm sewer outfall.

[13.] **14.** Major structural controls. Man-made retention basins, detention basins, major infiltration devices or other structures designed and operated for the purpose of containing storm water discharges from an area greater than or equal to fifty (50) acres.

[14.] **15.** Medium municipal separate storm sewer system. All municipal separate storm sewers that are either—

A. Located in an incorporated place with a population of one hundred thousand (100,000) or more but less than two hundred fifty thousand (250,000), as determined by the latest decennial census by the Bureau of Census; or

B. Owned and operated by a municipality other than those described in subparagraph (1)(C)*[14.]***15.**A. of this rule and that are designated by the director as part of the system. In making this determination, the director may consider the following factors:

(I) Physical interconnections between the municipal separate storm sewers;

(II) The locations of discharges from the designated municipal separate storm sewer relative to discharges from the municipal separate storm sewers described in subparagraph (1)(C)*[14.]***15.**A. of this rule;

(III) The quantity and nature of pollutants discharged to waters of the state;

(IV) The nature of the receiving waters;

(V) Other relevant factors; or

(VI) The director, upon petition, may designate as a medium municipal separate storm sewer system, municipal separate storm sewers located within the boundaries of a region defined by a storm water management regional authority based on a jurisdictional watershed, or other appropriate basis that includes one (1) or more of the systems described in subparagraph (1)(C)*[14.]***15.**A. of this rule.

[15. Municipal separate storm sewer means a conveyance or system of conveyances including roads and highways with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, paved or unpaved channels or storm drains designated and utilized for routing of storm water which—

A. Does not include any waters of the state as defined in this rule;

B. Is contained within the municipal corporate limits or is owned and operated by the state, city, town, village, county, district, association or other public body created by or pursuant to the laws of Missouri having jurisdiction over disposal of sewage, industrial waste, storm water or other liquid wastes;

C. Is not a part or portion of a combined sewer system; and

D. Is not a part of a publicly owned treatment works as defined in 40 CFR 122.2.]

16. Municipal separate storm sewer system means:

A. Sewers that are defined as large or medium or small municipal separate storm sewer systems pursuant to paragraphs 10., 15., and 28. of this section, or designated under subsection (1)(B) of this rule.

[16.] **17.** Operator. The owner, or an agent of the owner, of a separate storm sewer with responsibility for operating and maintaining the effectiveness of the system.

[17.] **18.** Outfall. A point source as defined by 10 CSR 20-2.010 at the point where a municipal separate storm sewer discharges and does not include open conveyances connecting two (2) municipal separate storm sewers, pipes, tunnels or other conveyances which connect segments of waters of the state and are used to convey waters of the state.

[18.] **19.** Overburden. Any material of any nature consolidated or unconsolidated that overlays a mineral deposit excluding topsoil or similar naturally occurring surface materials that are not disturbed by mining operations.

[19.] **20.** Owner. A person who owns and controls the use, operation and maintenance of a separate storm sewer.

[20.] **21.** Process wastewater. Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product.

[21.] **22.** Receiving waters. Waters of the state as defined in this rule.

[22.] **23.** Recycling facilities. Locations where metals, paper, tires, glass, organic materials, used oils, spent solvents or other materials are collected for reuse, reprocessing or resale.

[23.] **24.** Runoff coefficient. The fraction of total rainfall that will appear at a conveyance as runoff.

[24.] **25.** Significant contributor of pollutants. A person who discharges or causes the discharge of pollutants in storm water which can cause water quality standards of the waters of the state to be violated.

[25.] **26.** Significant material or activity associated with industrial activity.

A. For the categories of industries identified in subsections (2)(A)–(D) of this rule, the term includes, but is not limited to, storm water discharged from industrial plant yards, immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material or by-products used or created by the facility.

B. Significant materials include, but are not limited to, raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of the Comprehensive Environmental Response, Compensation, Liability Act of 1980 (CERCLA); any chemical the facility is required to report pursuant to Section 313 of Title III of Superfund Amendments & Reauthorization Act of 1986 (SARA); fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

C. Material received in drums, totes or other secure containers or packages which prevent contact with storm water, including run on, are exempted from the significant materials classification until the container has been opened for any reason. If the container is moved into a building or other protected area prior to opening, it will not become a significant material.

D. Empty containers which have been properly triple rinsed are not significant materials.

27. Small construction activity means:

A. Construction activities including clearing, grading and excavating that result in land disturbance of equal to or greater than one (1) acre and less than five (5) acres. Small construction activity also includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or original purpose of the facility.

B. Any other construction activity designated by the department, based on the potential for contribution to a violation of a water quality standard or for significant contribution of pollutants to waters of the United States.

28. Small municipal separate storm sewer system means:

A. Owned or operated by the United States, a state, city, town, borough, county, parish, district, association or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the Clean Water Act (CWA) that discharges to water of the United States.

B. Not defined as large or medium municipal separate storm sewer systems pursuant to paragraphs 10 and 15 of this section.

C. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as around individual buildings.

29. Small MS4 means:

A. A small municipal separate storm sewer system.

[26.] **30.** Storm water means storm water runoff, snow melt runoff and surface runoff, and drainage.

[27.] **31.** Storm water discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw material storage areas at an industrial plant.

[28.] **32.** Waters of the state, as it applies to large and medium municipalities under this regulation, means all waters listed as L1, L2 and L3 in Tables G and P, P1 and C in Table H of 10 CSR 20-7.031.

(2) Storm water discharge associated with industrial activity. The discharge from any conveyance which is used for collecting and conveying storm water which is not under a permit issued under 10 CSR 20-6.010 and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant.

(B) Industries subject to this requirement include:

1. Facilities classified with the following primary standard industry classification (SIC) are considered to be included in this paragraph: 10, Metal Mining; 12, Coal Mining; 13, Oil and Gas Extraction; 14, Nonmetallic Minerals; 24, Lumber and Wood Products; 26, Paper and Allied Products; 28, Chemical and Allied Products; 29, Petroleum Refining; 311, Leather Tanning and Finishing; 32, Stone, Clay, Glass, Concrete; 33, Primary Metal Industries; 3441, Fabricated Structural Metal; 373**,** Ship and Boat Building and Repair; and industries regulated under section 644.052.4, RSMo except for those SICs addressed in paragraph (2)(B)4. of this rule.

2. Facilities classified with the following primary SIC are considered to be included in this paragraph: 40, Railroad; 41, Local, Suburban Transit, etc.; 42, Motor Freight Transportation and Warehousing; 43, United States Postal Service; 44, Water Transportation; 45, Air Transportation; Petroleum Bulk Station, Terminal—only those portions of the facility listed under this paragraph that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication) equipment cleaning operations, airport deicing operations or which are otherwise identified under paragraph (2)(B)1., 3. or 4. of this rule are associated with industrial activity.

3. Facilities which meet the following definitions are considered to be included in this subsection:

A. Hazardous waste treatment, storage or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA). Hazardous waste generator sites which are exempt from interim status or permitting because they accumulate wastes on-site less than ninety (90) days are not included;

B. Landfills, land application sites and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this paragraph) including those that are subject to regulation under Subtitle D of RCRA;

C. Facilities involved in the recycling of materials including metal scrap yards, battery re-claimers, salvage yards and automobile junk yards, including*[, but not limited to,]* those with an SIC classification of 5015 and 5093;

D. Steam electric power generating facilities, including coal handling sites;

E. Treatment works treating domestic sewage, or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling and reclamation of municipal or

domestic sewage, including land dedicated to the disposal of sewage sludge that is located within the confines of the facility, with a design flow of 1.0 million gallons per day (mgd) or more or required to have an approved pretreatment program under 10 CSR 20-6.100; and

F. Industrial facilities that are federally, state or municipally owned or operated; and

4. Facilities classified with the following primary SIC are considered to be included in this paragraph: 20; Food and Kindered Products; 21, Tobacco Products; 22, Textile Mill Products; 23, Apparel and Other Finished Products; 2434, Wood Kitchen Cabinets; 25, Furniture and Fixtures; 265, Paperboard Containers and Boxes; 267, Converted Paperboard Products; 27, Printing, Publishing and Allied Industries; 283, Drugs; 285, Paints, Varnishes, Lacquers and Enamels; 30, Rubber and Miscellaneous Plastics; 31, Leather and Leather Products (except for 311); 323, Glass Products; 34, Fabricated Metal Products (except for 3441); 35, Industrial and Commercial Machinery; 36, Electronic and Other Electrical Equipment; 37, Transportation Equipment (except for 373); 38, Measuring, Analyzing and Controlling Instruments; 39, Miscellaneous Manufacturing Industries; 4221–25, Public Warehousing and Storage, only if any of the following activities and materials listed are exposed to storm water: discharges from industrial plant yards; material handling sites; sites used for the application or disposal of any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product or waste product; sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

(3) Land Disturbance **and Small Construction Activity**.

(A) The owner/operator of an existing or new storm water discharge from a land disturbance **or small construction** activity shall provide a narrative description of—

1. The location (including a map) and the nature of the construction activity;

2. The total area of the site and the area of the site that is expected to undergo excavation during the life of the permit;

3. Proposed measures, including BMPs, to control pollutants in storm water discharges during construction, including a brief description of applicable state and local erosion and sediment control requirements;

4. Proposed measures to control pollutants in storm water discharges that will occur after construction operations have been completed, including a brief description of applicable state or local erosion and sediment control requirements;

5. An estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the permit application is completed, the nature of fill material and existing data describing the soil or the quality of the discharge; and

6. The name of the receiving water.

(B) Land Disturbance **and Small Construction** Activity. Storm water permits shall be the responsibility of the owner/operator of the site. The owner/operator is responsible to see that all contractors comply with the requirements of the permit.

1. Applications for new storm water permits or the renewal of storm water permits must be received at least ninety (90) days before the date construction operations begin or the expiration date of the present operating permit.

(4) Application requirements for large *[and]***,** medium municipal separate storm sewer discharges. The owner and operator of a discharge from a large *[or]***,** medium municipal separate storm sewer or a municipal separate storm sewer that is designated by the director under paragraph (1)(C)10. of this rule may submit a jurisdiction or system-wide permit application. Where more than one (1) public entity owns and operates a municipal separate storm sewer within a geographic area, including adjacent or interconnected municipal separate storm sewer systems, the owners and operators may be copetitioners to the same application. A public entity which does not participate as a copetitioner with the municipal entity designated as having overall authority over storm water discharges may be required by the director to submit a separate application for its area of responsibility. Permit applications for discharges from large *[and]***,** medium municipal storm sewers or municipal storm sewers designated under paragraph (1)(C)14.of this rule shall include:

(A) Part 1 of the application shall consist of—

1. General information. The applicant's name, address, telephone number of contact person, ownership and operator status, and status as a state or local government entity;

2. Legal authority. A description of existing legal authority to control discharges to the municipal separate storm sewer system. When existing legal authority is not sufficient to meet the criteria provided in paragraph (4)(B)1. of this rule, the description shall list additional authorities as will be necessary to meet the criteria and shall include a schedule and commitment to seek the additional authority that will be needed to meet the criteria;

3. Source identification.

A. A description of the historic use of ordinances, guidance or other controls which limit the discharge of nonstorm water discharges to any publicly-owned treatment works serving the same area as the municipal separate storm sewer system.

B. A United States Geological Survey seven and one-half (7.5) minute topographic map (or equivalent topographic map with a scale between 1:10,000 and 1:24,000 if cost effective) extending one (1) mile beyond the service boundaries of the municipal storm sewer system covered by the permit application. The following information shall be provided:

(I) The location of known municipal storm sewer system outfalls discharging to waters of the state;

(II) A description of the land use activities (for example, divisions indicating undeveloped, residential, commercial, agricultural and industrial uses) accompanied with estimates of population densities and projected growth for a ten (10)-year period within the drainage area served by the separate storm sewer. An estimate of an average runoff coefficient shall be provided for each land use type;

(III) The location and a description of the activities of the facility of each currently operating or closed municipal landfill or other treatment, storage or disposal facility for municipal waste;

(IV) The location and the permit number of any known discharge to the municipal storm sewer that has been issued a state operating permit;

(V) The location of major structural controls for storm water discharge (retention basins, detention basins, major infiltration devices, etc.); and

(VI) The identification of publicly-owned parks, recreational areas and other open lands;

4. Discharge characterization.

A. Monthly mean rain and snowfall estimates (or summary of weather bureau data) and the monthly average number of storm events*[;]***.**

B. Existing quantitative data describing the volume and quality of discharges from the municipal separate storm sewer, including a description of the major outfalls sampled, sampling procedures and analytical methods used*[;]***.**

C. A list of water bodies that receive discharges from the municipal separate storm sewer system, including downstream segments, groundwater, lakes and wetlands where pollutants from the

system discharges may accumulate and cause water degradation and a brief description of known water quality impacts. At a minimum, the description of impacts shall include a description of whether the water bodies receiving discharges have been:

(I) Assessed and reported in Section 305(b) reports submitted by the state, the basis for the assessment (evaluated or monitored), a summary of designated use support and attainment of *[Clean Water Act (]*CWA*[)]* goals (fishable and swimmable waters) and causes of nonsupport of designated uses;

(II) Listed under Section 304(l) of the CWA that is not expected to meet water quality standards or water quality goals;

(III) Listed in state Nonpoint Source Assessments required by Section 319(a) of the CWA that, without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain water quality standards due to storm sewers, construction, highway maintenance and runoff from municipal landfills and municipal sludge adding significant pollution (or contributing to a violation of water quality standards);

(IV) Identified and classified according to eutrophic condition of publicly-owned lakes listed in state reports required under Section 314(a) of the CWA including the following: A description of those publicly-owned lakes for which uses are known to be impaired; a description of procedures, processes and methods to control the discharge of pollutants from municipal separate storm sewers into those lakes and a description of methods and procedures to restore the quality of those lakes;

(V) Recognized by the applicant as highly valued or sensitive waters;

(VI) Defined by the state or United States Fish and Wildlife Service's National Wetlands Inventory as wetlands; and

(VII) Found to have pollutants in bottom sediments, fish tissue or biosurvey data.

D. Field screening. Results of a field screening analysis for illicit connections and illegal dumping for either selected field screening points or major outfalls covered in the permit application. At a minimum, a screening analysis shall include a narrative description, for either each field screening point or major outfall, of visual observations made during dry weather periods. If any flow is observed, two (2) grab samples shall be collected during a twenty-four (24)-hour period with a minimum period of four (4) hours between samples. For all these samples, a narrative description of the color, odor, turbidity, presence of an oil sheen or surface scum as well as any other relevant observations regarding the potential presence of nonstorm water discharges or illegal dumping shall be provided. In addition, a narrative description of the results of a field analysis using suitable methods to estimate pH, total chlorine, total copper, total phenol and detergents (or surfactants) shall be provided along with a description of the flow rate. Where the field analysis does not involve analytical methods approved under 10 CSR 20-7.015, the applicant shall provide a description of the method used, including the name of the manufacturer of the test method along with the range and accuracy of the test. Field screening points shall be major outfalls, other outfall points, manholes, junctions of storm drainage ditches etc., located throughout the storm sewer system by one (1) of the following two (2) methods:

(I) Field screening points shall be located randomly throughout the storm sewer system by placing a grid over a drainage system map and identifying those cells of the grid which contain a segment of the storm sewer system or major outfall. For the use of this method, the field screening points shall be established using the following guidelines and criteria:

(a) A grid system consisting of perpendicular north-south and east-west lines spaced one-quarter (1/4) mile apart shall be overlaid on a map of the municipal storm sewer system creating a series of cells;

(b) All cells that contain a segment of the storm sewer system shall be identified. One (1) field screening point shall be selected in each cell (not to exceed the number required in subpart (4)(A)4.D.(I)(f). Major outfalls may be used as field screening points;

(c) Field screening points should be located downstream of any sources of suspected illegal or illicit activity;

(d) Field screening points shall be located to the degree practicable at the farthest manhole or other accessible location downstream in the system within each cell. However, safety of personnel and accessibility of the location should be considered in making this determination;

(e) Hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or buildings in the area, history of the area and land-use types;

(f) For medium municipal separate storm sewer systems, no more than two hundred fifty (250) cells need to have identified field screening points. In large municipal separate storm sewer systems, no more than five hundred (500) cells need to have identified field screening points. Cells established by the grid that contain no storm sewer segments will be eliminated from consideration. If fewer than two hundred fifty (250) cells in medium municipal sewers are created, and fewer than five hundred (500) in large systems are created by the overlay on the municipal sewer map, then all those cells which contain a segment of the sewer system shall be subject to field screening unless access to the separate storm sewer system is impossible; and

(g) *[Large or medium m]***M**unicipal separate storm sewer systems which are unable to utilize the procedures described in subpart (4)(A)4.D.(I) of this rule because a sufficiently detailed map of the separate storm sewer systems is unavailable shall field screen no more than five hundred (500) or two hundred fifty (250) major outfalls respectively (or all major outfalls in the system, if fewer). In these circumstances, the applicant shall establish a grid system consisting of north-south and east-west lines spaced one-quarter (1/4) mile apart as an overlay to the boundaries of the municipal storm sewer system, thereby creating a series of cells. The applicant will then select major outfalls in as many cells as possible until at least five hundred (500) major outfalls (large municipalities) or two hundred fifty (250) major outfalls (medium municipalities) are selected. A field screening analysis shall be undertaken at these major outfalls; or

(II) Field screening points shall be located throughout the storm sewer system by the establishment of watersheds for both conduit and open drainage conveyance systems. The drainage system shall be indicated on a drainage system map along with the identification of the appropriate watershed boundaries. For the use of this method, the applicant, with the approval of the director, may develop the runoff characteristics of each land area contributing to a sampling point by utilizing best engineering judgment and current hydrologic analysis methodologies. The proposal shall be submitted to the department as an attachment to the Part 1 storm water permit application required by this regulation.

E. Characterization plan. Information and a proposed program to meet the requirements of paragraph (4)(B)3. of this rule. The description shall include the location of outfalls or field screening points appropriate for representative data collection under paragraph (4)(B)3. of this rule, a description of why the outfall or field screening point is representative, the seasons during which sampling is intended and a description of the sampling equipment. The proposed location of outfalls or field screening points for sampling should reflect water quality concerns to the extent practicable;

5. Management programs.

A. A description of the existing management programs to control pollutants from the municipal separate storm sewer system. The description shall provide information on existing structural and source controls, including operation and maintenance measures for structural controls that are currently being implemented.

These controls may include, but are not limited to, procedures to control pollution resulting from construction activities; flood plain management controls; wetland protection measures; BMPs for new subdivisions and emergency spill response programs. The description may address controls established under state law as well as local requirements.

B. A description of the existing program to identify illicit connections to the municipal storm sewer system. The description should include inspection procedures and methods for detecting and preventing illicit discharges and describe areas where this program has been implemented; and

6. Fiscal resources. A description of the financial resources currently available to the municipality to complete Part 2 of the permit application. A description of the municipality's budget for existing storm water programs, including an overview of the municipality's financial resources and budget, including overall indebtedness and assets and sources of funds for storm water programs; and

(B) Part 2 of the application shall consist of—

1. Adequate legal authority. A demonstration that the applicant can operate pursuant to legal authority established by statute, ordinance or series of contracts which authorizes or enables the applicant(s), at a minimum to—

A. Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;

B. Prohibit through ordinance, order or similar means illicit discharges to the municipal separate storm sewer;

C. Control through ordinance, order or similar means the discharge to a municipal separate storm sewer of spills, dumping or disposal of materials other than storm water;

D. Control through interagency agreements among copetitioners the contribution of pollutants from one (1) portion of the municipal system to another portion of the municipal system;

E. Require compliance with terms and conditions in ordinances, permits, contracts or orders; and

F. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer;

2. Source identification. The location of any major outfall that discharges to waters of the state that was not reported under paragraph (4)(A)3. of this rule. Provide an inventory and a description (such as SIC codes) which best reflect the principal products or services provided by each facility which may discharge storm water associated with industrial activities to the municipal separate storm sewer;

3. Characterization data. When quantitative data for a pollutant are required under subparagraph (4)(B)3.A. of this rule, the applicant must collect a sample of effluent in accordance with 40 CFR 122.21(g)(7) and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR*/, p/*Part 136. When no analytical method is approved, the applicant may use any suitable method, but must provide a description of the method. The applicant must provide information characterizing the quality and quantity of discharges covered in the permit application including:

A. Quantitative data from representative outfalls or field screening points designated by the director (based on information received in Part 1 of the application, the director shall designate between five (5) and ten (10) outfalls or field screening points as representative of the commercial, residential and industrial land use activities of the drainage area contributing to the system or, where there are less than five (5) outfalls covered in the application, the director shall designate all outfalls or field screening points) developed as follows:

(I) For each outfall or field screening point designated under this part, samples shall be collected of storm water discharges from three (3) storm events occurring at least one (1) month apart;

(II) A narrative description shall be provided of the date and duration of the storm event(s) sampled, rainfall estimates of the storm event which generated the sampled discharge and the duration between the storm event sampled and the end of the previous measurable (greater than one-tenth inch (0.1") rainfall) storm event.

(III) For samples collected and described under parts (4)(B)3.A.(I) and (II) of this rule, quantitative data shall be provided for the organic pollutants listed in Table II; the pollutants listed in Table III (toxic metals, cyanide, and total phenols) of Appendix D of 40 CFR*/, p/*Part 122 and for the following pollutants:

(a) TSS;
(b) Total dissolved solids (TDS);
(c) COD;
(d) *[(]*BOD_5*[)]*;
(e) Oil and grease;
(f) Fecal coliform;
(g) Fecal streptococcus;
(h) pH;
(i) Total Kjeldahl nitrogen;
(j) Nitrate plus nitrite;
(k) Dissolved phosphorus;
(l) Total ammonia plus organic nitrogen; and
(m) Total phosphorus; and

(IV) Additional limited quantitative data required by the director for determining permit conditions. The director may require that quantitative data shall be provided for additional parameters and may establish sampling conditions such as the location, season of sample collection, form of precipitation (snow melt, rainfall) and other parameters necessary to ensure representativeness.

B. Estimates of the annual pollutant load of the cumulative discharges to waters of the state from all identified municipal outfalls or field screening points and the event mean concentration of the cumulative discharges to waters of the state from all identified municipal outfalls or field screening points during a storm event as described under paragraphs (4)(A)3. and (4)(B)2. for BOD_5, COD, TSS, dissolved solids, total nitrogen, total ammonia plus organic nitrogen, total phosphorus, dissolved phosphorus, cadmium, copper, lead and zinc. Estimates shall be accompanied by a description of the procedures for estimating constituent loads and concentrations, including any modeling, data analysis and calculation methods;

C. A proposed schedule to provide estimates for each major outfall or field screening point identified in either paragraph (4)(A)3. or (4)(B)2. of this rule of the seasonal pollutant load and of the event mean concentration of a representative storm for any constituent detected in any sample required under subparagraph (4)(B)3.A. of this rule; and

D. A proposed monitoring program for representative data collection for the term of the permit that describes the location of outfalls or field screening points to be sampled (or the location of instream stations), why the location is representative, the frequency of sampling, parameters to be sampled and a description of sampling equipment;

4. Proposed management program. A proposed management program covers the duration of the permit. It shall include a comprehensive planning process which involves public participation and where necessary intergovernmental coordination to reduce the discharge of pollutants to the maximum extent practicable using BMPs, control techniques and system, design and engineering methods and other provisions which are appropriate. The program shall also include a description of staff and equipment available to

implement the program. Separate proposed programs may be submitted by each copetitioner. Proposed programs may impose controls on a system-wide basis, a watershed basis, a jurisdiction basis or on individual outfalls. Proposed programs will be considered by the director when developing permit conditions to reduce pollutants in discharges to the maximum extent practicable. Proposed management programs shall describe priorities for implementing controls. These programs shall be based on—

A. A description of structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit, accompanied with an estimate of the expected reduction of pollutant loads and a proposed schedule for implementing the controls. At a minimum, the description shall include:

(I) A description of maintenance activities and a maintenance schedule for structural controls to reduce pollutants (including floatables) in discharges from municipal separate storm sewers;

(II) A description of planning procedures including a comprehensive master plan to develop, implement and enforce controls to reduce the discharge of pollutants from municipal separate storm sewers which receive discharges from areas of new development and significant redevelopment. The plan shall address controls to reduce pollutants in discharges from municipal separate storm sewers after construction is completed;

(III) A description of practices for operating and maintaining public streets, roads and highways and procedures for reducing the impact on receiving waters of discharges from municipal storm sewer systems, including pollutants discharged as a result of deicing activities;

(IV) A description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible;

(V) A description of a program to monitor pollutants in runoff from operating or closed municipal landfills or other treatment, storage or disposal facilities for municipal waste which shall identify priorities and procedures for inspections and establishing and implementing control measures for the discharges. This program can be coordinated with the program developed under subparagraph (4)(B)4.D. of this rule; and

(VI) A description of a program to reduce to the maximum extent practicable pollutants in discharges from municipal separate storm sewers associated with the application of pesticides, herbicides and fertilizer which will include, as appropriate, controls such as educational activities, permits, certifications and other measures for commercial applicators and distributors and controls for application in public right-of-ways and at municipal facilities;

B. A description of a program, including a schedule, to detect and remove (or require the discharger to the municipal separate storm sewer to obtain a separate state operating permit) illicit discharges and improper disposal into the storm sewer. The proposed program shall include:

(I) A description of a program including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the municipal separate storm sewer system. This program description shall address all types of illicit discharges, however the following categories of nonstorm water discharges or flows shall be addressed where the discharges are identified by the municipality as sources of pollutants to waters of the state: water line flushing, landscape irrigation, diverted stream flows, rising groundwaters, uncontaminated groundwater infiltration to separate storm sewers, uncontaminated pumped groundwater, discharges from potable water sources, foundation drains, air-conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges and street wash water. Program descriptions shall address discharges or flows from fire fighting only where the discharges or flows are identified as significant sources of pollutants to waters of the state;

(II) A description of procedures to conduct ongoing field screening activities during the life of the permit, including areas or locations that will be evaluated by field screens;

(III) A description of procedures to be followed to investigate portions of the separate storm sewer system that, based on the results of the field screen, or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of nonstorm water. These procedures may include: sampling procedures for constituents such as fecal coliform, fecal streptococcus, surfactants (MBAS), residual chlorine, fluorides and potassium; and testing with fluorometric dyes or conducting in-storm sewer inspections where safety and other considerations allow. The description shall include the location of storm sewers that have been identified for the evaluation;

(IV) A description of procedures to prevent, contain and respond to spills that may discharge into the municipal separate storm sewer;

(V) A description of a program to promote, publicize and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from municipal separate storm sewers;

(VI) A description of educational activities, public information activities and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials; and

(VII) A description of controls to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary;

C. A description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to Section 313 of Title III of SARA and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system. The program shall—

(I) Identify priorities and procedures for inspections and establishing and implementing control measures for the discharges; and

(II) Describe a monitoring program for storm water discharges associated with the industrial facilities identified in this part to be implemented during the term of the permit, including the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable; any pollutant listed in an existing state operating permit for a facility; oil and grease, COD, pH, BOD_5, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen and any information on parameters that are believed to be present listed on Clean Water Commission Application Form 105D; and

D. A description of a program to implement and maintain structural and nonstructural *[best management practices]* **BMPs** to reduce pollutants in storm water runoff from construction sites to the municipal storm sewer system which shall include:

(I) A description of procedures for site planning which incorporate consideration of potential water quality impacts;

(II) A description of requirements for nonstructural and structural BMPs;

(III) A description of procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography and the characteristics of soils and receiving water quality; and

(IV) A description of appropriate educational and training measures for construction site operators;

5. Assessment of controls. Estimated reductions in loadings of pollutants from discharges of municipal storm sewer constituents from municipal storm sewer systems expected as the result of the municipal storm water quality management program. The assessment also shall identify known impacts of storm water controls on groundwater;

6. Fiscal analysis. For each fiscal year to be covered by the permit, a fiscal analysis of the necessary capital and operation and maintenance expenditures necessary to accomplish the activities of the programs under paragraphs (4)(B)3. and 4. of this rule. The analysis shall include a description of the source of funds that is proposed to meet the necessary expenditures, including legal restrictions on the use of the funds;

7. Where more than one (1) legal entity submits an application, the application shall contain a description of the roles and responsibilities of each legal entity and procedures to ensure effective coordination;

8. Where requirements under paragraphs (4)(A)3. and 4. and (4)(B)2. and 3. of this rule are not practicable or are not applicable, the director may exclude any operator of a discharge from a municipal separate storm sewer which is designated under paragraph (1)(C)10. or 14. of this rule from these requirements. The director shall not exclude Independence, Kansas City, Springfield and St. Louis from any of the permit application requirements under this paragraph except where authorized under section (4) of this rule;

9. Petitions.

A. Any operator of a municipal separate storm sewer system may petition the director to require a separate state operating permit for any discharge into the municipal separate storm sewer system.

B. Any person may petition the director to require a state operating permit for a discharge which is composed entirely of storm water which contributes to a violation of a water quality standard or is a significant contributor of pollutants to waters of the state.

C. The owner or operator, or both, of a municipal separate storm sewer system may petition the director to reduce the census estimates of the population served by the separate system to account for storm water discharged to combined sewers that is treated in a publicly-owned treatment works. In municipalities in which combined sewers are operated, the census estimates of population may be reduced proportional to the fraction of the length of combined sewers over the sum of the length of combined sewers and municipal separate storm sewers and an applicant has submitted the state operating permit number associated with each discharge point and a map indicating areas served by combined sewers and the location of any combined sewer overflow discharge point.

D. Any person may petition the director for the designation of a large or medium municipal separate storm sewer system as defined by paragraph (1)(C)10. or 14. of this rule.

E. The director shall make a final determination on any petition received under subparagraph (4)(B)9.C. within ninety (90) days after receiving the petition; and

10. Municipal separate storm sewer system reports. The operator of *[a large or medium]* municipal separate storm sewer system or a municipal separate storm sewer that has been designated by the director under paragraph (1)(C)10., or 14. must submit an annual report by the anniversary of the date of the issuance of the permit for the system. The report shall include:

A. The status of implementing the components of the storm water management program that are established as permit conditions;

B. Proposed changes to the storm water management programs that are established as permit conditions;

C. Revisions, if necessary, to the assessment of controls and the fiscal analysis reported in the permit application;

D. A summary of data, including monitoring data, that is accumulated throughout the reporting year;

E. Annual expenditures during reporting period and budget for year following each annual report;

F. A summary describing the number and nature of enforcement actions, inspections and public education programs; and

G. Identifications of water quality improvements or degradation.

(5) Application Requirements for Small Municipal Separate Storm Sewer (Small MS4) Discharges.

(A) General Permit Option. Applicants seeking coverage under a general permit for small MS4 discharges shall submit the department's most recent version of Application For General Permit Form E and must develop and submit descriptions of storm water management programs designed to reduce pollutants in storm water runoff to protect water quality of receiving waters. The application must include program descriptions for at least the following six (6) minimum control measures:

1. Public education and outreach on storm water impacts. The public education program should inform individuals and households about impacts of storm water discharges on water bodies and steps which can be taken to reduce or prevent storm water pollution.

2. Public involvement/participation process. A program must be developed which at a minimum complies with state and local public notice requirements.

3. Illicit discharge detection and elimination. Discharges to MS4s of wastewater other than those consisting entirely of storm water are considered "illicit discharges" except for discharges permitted under other state operating permits or directly from fire fighting activities. A program to detect and eliminate such discharges must be developed.

4. Construction site storm water runoff control. A program to control discharges of storm water and sediment from construction sites and activities must be developed. The program must be designed to protect receiving waters from sediment and other pollutants such as petroleum products, solid wastes, fertilizers, pesticides, and other construction related chemicals.

5. Post-construction storm water management in new development and redevelopment. A program must be developed to address storm water runoff from new development and redevelopment projects that result in land disturbance of greater than or equal to one (1) acre, including projects less than one (1) acre that are part of a larger common plan of development or sale, and discharge into the MS4.

6. Pollution prevention/good housekeeping for municipal operations. A program must be developed which addresses pollution prevention and good housekeeping from municipal operations. The program must include a training component and have the ultimate goal of preventing or reducing impacts from storm water runoff from all municipal operations including those not currently required to be permitted as storm water associated with industrial activities.

A. Implementation and enforcement of these six (6) minimum measures will be a requirement of the general permit when issued. Guidance on the content of these programs is available in the "EPA Phase II Storm Water Regulations" dated December 8, 1999.

B. Site Specific Option. Applicants who do not wish to be covered under a general permit for small MS4 discharges can apply for a site-specific permit by submitting the most recent version of Application for Discharge Permit Form A and

by submitting program descriptions of the six (6) minimum measures as outlined in paragraphs (5)(A)1.–6. Additional information regarding issues to be addressed in the site-specific permit shall accompany the application. Implementation and enforcement of the six (6) minimum measures will be one of the requirements of any issued permit.

C. Co-permittee Option.

1. The department encourages cooperation between potential small MS4 applicants when addressing application requirements and in the development, implementation and enforcement of the six (6) minimum measures under issued permits. Applicants within one (1) urbanized area, or within a common watershed, or in an area served in common by one (1) service provider should consider applying as coapplicants to share the financial and administrative responsibilities of the application process and to become copermittees under an issued permit.

2. Applications from co-permittees shall include the requirements of either subsection (5)(A) or (B) and in addition shall contain information designating responsibilities of each co-applicant in regard to development, implementation and enforcement of the six (6) minimum measures.

[(5)] **(6)** Permit Requirements.

(A) The director may issue a general permit for storm water discharges in accordance with the following:

1. The general permit shall be written to cover a category of discharges described in the permit except those covered by individual permits within a geographic area. The area shall correspond to existing geographic or political boundaries, such as—

A. Designated planning areas under Sections 208 and 303 of the Federal Clean Water Act;

B. City, county or state political boundaries or special sewer districts chartered by the state;

C. State highway systems; and

D. Any other appropriate division or combination of boundaries;

2. The general permit shall be written to regulate a category of point sources if the sources all—

A. Involve the same or substantially similar types of operations;

B. Discharge the same types of wastes;

C. Require the same operating conditions;

D. Require the same or similar monitoring; and

E. In the opinion of the director, are more appropriately controlled under a general permit than under individual permits;

3. General permits may be issued, modified, revoked and reissued or terminated in accordance with applicable requirements of this rule and the permit. To be included under a general permit, a permittee must submit an application on forms supplied by the department;

4. The director may require any person authorized by a general permit to apply for and obtain an individual operating permit. Any interested person may petition the director to require a permittee to apply for an individual permit. Cases where an individual operating permit may be required include, but are not limited to the following:

A. Effluent limitation guidelines are promulgated for point sources covered by a general state operating permit;

B. The discharge(s) is a significant contributor of pollutants. In making this determination, the director may consider the following factors:

(I) The location of the discharge with respect to waters of the state;

(II) The size of the discharge;

(III) The quantity and nature of the pollutants discharged to waters of the state; and

(IV) Other relevant factors;

C. The discharge(s) is a significant contributor of pollution which impairs the beneficial uses of the receiving stream;

D. The discharger is not in compliance with the conditions of the general operating permit; or

E. A water quality management plan containing requirements applicable to point sources is approved;

5. Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. The owner or operator shall submit an application with reasons supporting the request to the director. The request shall be granted by issuing an individual permit if the reasons cited by the owner or operator are adequate to support the request.

A. When an individual operating permit is issued to an owner or operator otherwise subject to a general operating permit, the applicability of the general permit to the individual operating permittee is automatically terminated on the effective date of the individual permit.

B. A source excluded from a general permit solely because it already has an individual permit may request that the individual permit be revoked and that it be issued a general permit. Upon revocation of the individual permit and issuance of the general permit to the permittee, the general permit shall apply to the source. The source shall be included under the general permit only if it meets all the requirements for coverage under the general permit;

6. Petitions may be submitted to the director requesting the development of a general permit for a group of facilities or activities meeting the criteria listed in paragraph (5)(A)1.

A. Information required in a petition must include:

(I) A full description of the group including names, addresses and locations and the industrial activities conducted by group members;

(II) Any significant materials stored, used, loaded, unloaded, treated or disposed outdoors at these facilities;

(III) The existence and permit status of any other wastewater discharges from the group;

(IV) Analytical data which exists for any group members' storm water runoff;

(V) A summary of the history of spills, leaks and complaints relating to significant materials used, stored, treated or disposed of on these facilities; and

(VI) Management practices used to prevent or minimize materials contacting storm water.

B. Within ninety (90) days of receipt of the petition, the director shall notify applicant that—

(I) A general permit will be developed;

(II) A general permit will not be developed and reason; or

(III) Further information is required to make a decision; and

C. If the director has indicated that a general permit will be developed for specific facilities/activities, application for general permit as indicated in 10 CSR 20-6.010(13) may be submitted in lieu of an individual industrial storm water runoff permit application.

7. General permits shall contain BMP requirements and/or monitoring and reporting requirements to keep the storm water from becoming contaminated;

8. A general permit will be issued to cover the geographical area of any city or county government that has a land disturbance program in place that has been approved by the department. The general permit will require that the person(s) disturbing the land comply with the conditions of the locally-approved land disturbance program. Permittees who wish to be covered by this general permit and who comply with the locally-approved program must submit a state general permit and a one hundred fifty dollar ($150) permit fee to the department. Receipt of the application and fee

shall fulfill the state permit requirements for the applicant. In the event the approval of the land disturbance program is withdrawn by the department, all activities started after the withdrawal must be permitted under either a site specific permit or a statewide general permit that covers the activity if one exists; and

9. A general permit will be issued to cover the geographical area of any city, county or state government agency that performs or contracts for land disturbance activities, if the agency has a storm water control program approved by the department. The general permit will be issued for all activities that are conducted within the geographic area under contract by, or performed by, the city, county or state agency. The applicant will need only to secure one (1) general permit for all activities that occur during the life of the permit. In the event the approval of the land disturbance program is withdrawn by the department, all activities started after the withdrawal must be permitted under either a site specific permit or a statewide general permit that covers the activity if one exists.

(B) Site specific industrial permits issued pursuant to this rule shall contain the following:

1. Identification of the permit holder; and

2. Effluent limitation if necessary to protect waters of the state. The limitation shall be based on one (1) or more of the following:

A. The application and information filed by the permittee;

B. Effluent guidelines promulgated by the department or Environmental Protection Agency for the facility;

C. Best professional judgment of the permit writer;

D. A water quality determination made by the department; or

E. BMP requirements that are proposed in city-wide management programs;

3. Monitoring and reporting requirements; and

4. A schedule of compliance and interim limitations allowing up to three (3) years from permit issuance to gain compliance with the effluent limitation.

(C) Site specific permits for system-wide or jurisdiction-wide separate storm sewers shall contain the following:

1. Identification of the permit holder;

2. BMP requirements that are proposed and approved in the city-wide management program; and

3. Monitoring and reporting requirements.

(D) Terms and Conditions of Permits.

1. All storm water discharges shall be consistent with the terms and conditions of the storm water permits.

2. For the purpose of inspecting, monitoring or sampling the point source, water contaminant source or storm water treatment facility for compliance with the Clean Water Law and these rules, the owner or operator of the land disturbance site shall allow authorized representatives of the department upon presentation of credentials and at reasonable times to—

A. Enter upon the premises in which a point source, water contaminant source or storm water treatment facility is located, or in which any records are required to be kept under terms and conditions of the storm water permit;

B. Have access to or copy any records required to be kept under terms and conditions of the storm water permit;

C. Inspect any monitoring equipment or monitoring method required in the storm water permit;

D. Inspect any collection, treatment or land application facility covered under the storm water permit; and

E. Sample any storm water at any point in the collection system or treatment process.

3. Any expansions or modifications which will result in new or different characteristics must be reported sixty (60) days before the storm water modification begins. Notification may be accomplished by application for a new storm water permit, or if the change will not significantly alter limitations specified in the permit, by submission of notice to the department of the change.

4. All reports required by the department shall be signed by a person designated in 10 CSR 20-6.010 or a duly authorized representative under 10 CSR 20-6.010.

5. Other terms and conditions shall be incorporated into the storm water permits if the department determines they are necessary to assure compliance with the Clean Water Law and regulations.

*AUTHORITY: section 644.026[, RSMo Supp. 1990] and 644.036, RSMo [1986] **2000**. Original rule filed July 15, 1991, effective Oct. 1, 1992. Amended: Filed Sept. 14, 2001.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivision $1,290,000 in FY 2002 and two hundred forty thousand dollars ($240,000) in FY 2003. For the years after FY 2003, the total annualized aggregate cost is two hundred forty thousand dollars ($240,000) for the life of the rule. Note attached fiscal note for assumptions that apply.

PRIVATE COST: This proposed amendment will cost $1,500,000 in FY 2002 and three hundred thousand dollars ($300,000) in FY 2003. For the years after FY 2003, the total annualized aggregate cost is three hundred thousand dollars ($300,000) for the life of the rule. Note attached fiscal note for assumptions that apply.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Clean Water Commission will hold a public hearing on this proposed amendment beginning at 9:00 a.m. November 28, 2001. The public hearing will be held at the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Those wishing to speak at the public hearing should send a written request to speak to the Secretary, Missouri Clean Water Commission, PO Box 176, Jefferson City, MO 65102, or by fax at (573) 526-1146, by 5:00 p.m., November 21, 2001. Written comments will also be accepted until 5:00 p.m., December 5, 2001.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 10

Division: 20

Chapter: 6

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 20-6.200 Stormwater Regulations

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Public entities operating a municipal separate storm sewer system in an incorporated place with a population of less than 100,000. This rule will also require the Department of Natural Resources to expand its Water Pollution Control Program staff to process the new storm water permits and to follow-up with compliance inspections.	This rule is the result of a federal mandate. No cost will be imposed above that already imposed by the federal requirements. State permit fees on public entities are outlined below. These fees are considered to be at or below what the federal government would charge to implement a stormwater permitting program. Also estimated below are costs for administering the Phase II storm water program.

III. WORKSHEET

Cost to Department
First Year:

4 FTEs x $60,000 =	$ 240,000
Consultant 15,000 Hours x $70 =	$1,050,000
	$1,290,000

Subsequent Years:

4 FTEs x $60,000 =	$ 240,000

IV. ASSUMPTIONS

1. Approximately 5,275 permits will be issued. We estimate that 28 will be issued site-specific permits, the rest general permits.

2. Each general permit will require an average of 3 hours to review. A consultant will be hired to review 5,000 general permit applications.

3. The department's administration of Phase II will require four employees (one for permitting, three for inspection/enforcement).

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 10

Division: 20

Chapter: 6

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 10 CSR 20-6.200 Stormwater Regulations

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the (Propose Rule, Proposed Amendment):	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
	Developers that disturb areas of less than five acres but equal to or greater than one acre.	This rule is the result of a federal mandate. No cost will be imposed above that already imposed by the federal requirement. State permit fees are outlined below. These fees are considered to be at or below what the federal government would charge to implement a stormwater permitting program.

III. WORKSHEET

Year One (2002) - 5000 x $300 = $1,500,000
Subsequent Years - 1000 x $300 = $ 300,000

IV. ASSUMPTIONS

1. General permits for these activities are expected to be $300 per site.

2. Approximately 5000 additional sites are expected to require permits for the first year (2002), with 1000 new sites developed each year thereafter

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 15—Aboveground Storage Tanks—Release Response

PROPOSED RULE

10 CSR 20-15.010 Applicability and Definitions

PURPOSE: The Missouri Clean Water Commission is responsible for adopting rules necessary to prevent, control and abate potential discharge of contaminants to the waters of the state. Releases of petroleum and other regulated substances from aboveground storage tanks and associated piping, primarily from ASTs located at service stations, marinas, bulk plants, and fleet fueling facilities, have been documented throughout the state. While the applicable Department of Agriculture regulations focus on prevention of such releases, there are currently no specific requirements for release response measures that must be taken to protect the environment and the waters of the state. The commission has determined release response measures to be necessary because, once a release has occurred, the nature of the contaminants is such that, without appropriate release response measures, there is a substantial threat that the discharged contaminants will pollute the waters of the state. The intent of the release response measures required by the rules in this chapter is to prevent any discharged contaminants from polluting the waters of the state. This rule specifies which aboveground storage tanks must comply with the technical requirements set forth in this chapter and defines specific words used in this chapter so that the meaning of these terms, and their application in the rules of this chapter, is easily understood.

(1) The requirements in this chapter apply to the owner or operator of any facility on which one or more aboveground storage tanks (AST), as the term is defined in this rule, is located.

(2) "Aboveground storage tank (AST)" or "AST System" means any one or a combination of tanks, including pipes connected thereto, used to contain an accumulation of regulated substances and the volume of which, including the volume of the aboveground pipes connected thereto, is more than ninety percent (90%) above the surface of the ground, and is utilized for the sale of products regulated by Chapter 414, RSMo. The term does not include those tanks listed below or aboveground storage tanks at petroleum pipeline terminals. The following are not considered aboveground storage tanks:

(A) Underground storage tanks (USTs) as defined in 319.100 RSMo;

(B) Farm or residential tanks of one thousand one hundred (1,100) gallons or less used for storing motor fuel for noncommercial purposes;

(C) Tanks used for storing heating oil for consumptive use on the premises where stored;

(D) Septic tanks;

(E) Pipeline facilities, including gathering lines, regulated under:

1. The federal Natural Gas Pipeline Safety Act of 1968 (P.L. 90-481), as amended; or

2. The federal Hazardous Liquid Pipeline Act of 1979 (P.L. 96-129), as amended;

(F) Pipeline facilities regulated under state laws comparable to the provisions of law referred to in subsection (E) of this section;

(G) Surface impoundments, pits, ponds, or lagoons;

(H) Storm water or waste water collection systems;

(I) Flow-through process tanks;

(J) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations;

(K) Storage tanks situated in an underground area, such as a basement, cellar, mineworking, drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the floor; and

(L) Transformers, circuit breakers or other equipment or machinery that contain regulated substances for operational purposes.

(3) "Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.

(4) "Department," unless otherwise stated, means the Missouri Department of Natural Resources.

(5) "Free product" refers to a regulated substance that is present as a non-aqueous phase liquid (for example, pools of regulated substances at the surface or perched in the subsurface on top of an impermeable rock stratum or on top of groundwater).

(6) "Pipe" or "piping" means a hollow cylinder or tubular conduit constructed of non-earthen materials.

(7) "Regulated substance" means:

(A)"Petroleum," which is crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (sixty degrees Fahrenheit (60°F) and 14.7 pounds per square inch absolute); or

(B) Other substances stored and approved for use as an alternative motor vehicle fuel by the United States Environmental Protection Agency, the Missouri Department of Agriculture, or the Missouri Department of Natural Resources, including, but not limited to:

1. Nonpetroleum or petroleum/nonpetroleum blended fuels such as biomass fuels, soydiesel or other biodiesels;

2. Neat alcohols (such as ethanol or methanol);

3. Alcohol-blended fuels;

4. Innovative or advanced technology petroleum fuels that are liquid at standard conditions of temperature or pressure (sixty degrees Fahrenheit (60°F) and 14.7 pounds per square inch absolute).

(8) "Release" includes, but is not limited to, any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of regulated substances from an AST onto the ground surface or into groundwater, surface water, or subsurface soils.

(A) A release is "confirmed," for purposes of the rules in this chapter, upon discovery or observation by any person of regulated substances on the ground surface or in groundwater, surface water, or subsurface soils.

(B) A release is "suspected," for purposes of the rules in this chapter, anytime there is any indication of the presence of regulated substances on the ground surface or in groundwater, surface water, or subsurface soils. Factors indicating the presence of regulated substances in the environment include, but are not limited to, erratic behavior of dispensing equipment, unexplained loss of product, notification by a third party of a potential release, or some reason other than discovery or observation of environmental contamination.

(9) "Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of non-earthen materials (for example, concrete, steel, or fiberglass-reinforced plastic) that provide structural support.

AUTHORITY: sections 319.137 and 644.026, RSMo 2000. Original rule filed Sept. 13, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate over the expected life of the rule.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate over the expected life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Clean Water Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on November 28, 2001 in Room 450 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Clean Water Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak shall be postmarked by midnight on November 14, 2001. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments shall be postmarked by midnight on Wednesday, December 5, 2001. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 15—Aboveground Storage Tanks—Release Response

PROPOSED RULE

10 CSR 20-15.020 Release Reporting and Initial Release Response Measures

PURPOSE: The Missouri Clean Water Commission is responsible for adopting rules necessary to prevent, control and abate potential discharge of contaminants to the waters of the state. Releases of petroleum and other regulated substances from aboveground storage tanks and associated piping, primarily from ASTs located at service stations, marinas, bulk plants, and fleet fueling facilities, have been documented throughout the state. While the applicable Department of Agriculture regulations focus on prevention of such releases, there are currently no specific requirements for release response measures that must be taken to protect the environment and the waters of the state. The commission has determined release response measures to be necessary because, once a release has occurred, the nature of the contaminants is such that, without appropriate release response measures, there is a substantial threat that the discharged contaminants will pollute the waters of the state. The intent of the release response measures required by the rules in this chapter is to prevent any discharged contaminants from polluting the waters of the state. Specifically, this rule establishes procedures for reporting suspected releases, responding to releases and the subsequent steps necessary to ensure that a release is properly investigated and cleaned up. This rule also establishes requirements for verification of a release, and for conducting off-site investigations following reported or suspected releases if off-site migration is suspected.

(1) Reporting Releases and Suspected Releases. Unless otherwise provided in this rule, owners and operators of aboveground storage tanks (ASTs) shall report any suspected or confirmed release of a regulated substance to the Department of Natural Resources' Emergency Spill Line at (573) 634-2436 at the earliest practical moment within twenty-four (24) hours of discovery of the suspected or confirmed release. Immediately upon the discovery or observation of regulated substances on the ground surface or in groundwater, surface water, or subsurface soils, the owner or operator shall complete the following:

(A) The initial release response measures described in section (7) of this rule;

(B) If necessary, the free product recovery measures described in section (8) of this rule.

(2) System Test. For any suspected release that has not been confirmed by discovery or observation of regulated substances on the ground surface or in groundwater, surface water, or subsurface soils, the owner or operator of the AST shall take measures as necessary to determine whether a leak exists in either any portion of the tank or piping that routinely contains product or in the attached delivery piping, or in both. Measures that satisfy this requirement include, but are not limited to, hydrostatic testing of the AST system in accordance with API Standard 650, F-4 to F-7.6, air testing of the AST system, or a visual inspection of the tank bottom.

(A) Upon confirmation of a release, the owner or operator of the AST shall initiate the initial release response actions described in section (7) of this rule.

(B) If it is determined that no release has occurred, and there is no other indication of regulated substances on the ground surface or in groundwater, surface water, or subsurface soil, further investigation is not required.

(3) Exceptions. Following are exceptions to the requirement to report any suspected or confirmed release of a regulated substance to the environment.

(A) No further action is necessary for any release or spill of twenty-five (25) gallons or less, provided the release or spill is immediately contained and cleaned up.

(B) No further action is necessary for any release or spill that is completely contained within secondary containment structures, provided the secondary containment structure is functionally liquid-tight, and has the ability to contain any released product until the release or spill is cleaned up.

(4) Presumption of Release. A release is presumed upon discovery or observation by any person of the presence of regulated substances on the ground surface or in groundwater, surface water, or subsurface soil, or any indication that a release to the environment has occurred at the AST site or in the surrounding area. Examples include the presence of free product or vapors in soils, basements, sewer lines, utility lines and nearby surface or drinking water.

(5) Investigation Due To Off-Site Impacts. The department may require an owner or operator of an AST to measure for the presence of contamination as described in subsection (7)(E) of this rule when, in the judgment of the department, it is necessary to establish whether an AST is the source of off-site contamination. The department's judgment shall be based upon documented physical evidence of a release at the AST site, including, but not limited to, the discovery of free product or vapors in soils, basements, sewer lines, utility lines or nearby surface waters or drinking water supplies.

(6) Investigation Due to Closure.

(A) Upon closure of an AST in accordance with applicable rules of the Department of Agriculture, the department may require an owner or operator of an AST to measure for the presence of contamination as described in subsection (7)(E) of this rule when, in the judgment of the department, it is necessary to establish whether there has previously been a release at the former AST site or to establish whether potential contamination from any buried piping left in place poses a current or potential threat to cause pollution to waters of the state. The department's judgment shall be based upon documented physical evidence of a release at the AST site, including, but not limited to, the discovery of free product or

vapors in soils, basements, sewer lines, utility lines or nearby surface waters or drinking water supplies.

(B) The department may require the owner or operator of an AST permanently closed prior to the effective date of this rule to measure for the presence of contamination at the former tank site if, in the judgment of the department, releases from the AST and/or its buried piping pose a current or potential threat to cause pollution to the waters of the state. The department's judgment shall be based upon documented physical evidence of a release at the former AST site, including, but not limited to, the discovery of free product or vapors in soils, basements, sewer lines, utility lines or nearby surface waters or drinking water supplies.

(7) Initial Release Response Measures. Owners or operators of ASTs shall:

(A) Remove as much of the regulated substances from the AST as is necessary to prevent further release to the environment;

(B) Visually inspect any released substances and prevent further migration of the release into surrounding soils and groundwater;

(C) Monitor and mitigate any environmental hazards posed by vapors or free product that have migrated from the AST site and entered subsurface structures such as sewers, basements or subsurface utility conduits or trenches;

(D) Remedy hazards posed by excavated or exposed contaminated soils that result from initial release response activities. Any treatment or disposal of contaminated soils shall be in compliance with applicable state and local requirements;

(E) Collect and analyze at least one (1) soil or groundwater sample as necessary to establish the presence of contamination. The sample(s) must be collected in a location where contamination is most likely to be present at the AST site. In selecting the location of the sample(s), the owner or operator shall consider the nature of the stored substance, the type of backfill around the release if outside the secondary containment, or the secondary containment if the secondary containment is not constructed of impermeable material, depth to groundwater, and all other factors appropriate for identifying the presence and source of the release; and

(F) Investigate the site to determine whether free product is present. If free product is present, then free product removal activities shall begin immediately.

(8) Free Product Removal. The owner or operator of the AST shall immediately remove as much free product as practicable. Any actions initiated or required under this section shall be continued until the department determines otherwise. Upon discovery of free product, the owner or operator shall, at a minimum:

(A) Remove free product to minimize the spread of contamination into previously uncontaminated zones. The recovery and disposal techniques shall be appropriate to the hydrogeologic conditions at the site. Recovered by-products shall be treated, discharged or disposed of in compliance with applicable local, state and federal regulations;

(B) Use abatement of free product migration as a minimum objective for free product removal;

(C) Handle all flammable products and/or wastes in a safe manner to prevent fires or explosions;

(D) Include information about free product recovery in the report submitted to the department, as required by section (9) of this rule. The report shall provide at least the following information:

1. The name of the person(s) responsible for implementing the free product removal measures;

2. The estimated quantity, type and thickness of free product observed or measured in wells, boreholes and excavations;

3. The type of free product recovery system used;

4. Whether any discharge will take place on-site or off-site during the recovery operation and the location of this discharge;

5. The type of treatment applied to, and the effluent quality expected from, any discharge;

6. The steps that have been or are being taken to obtain necessary permits for any discharge;

7. The quantity and disposition of the recovered free product; and

8. The location and the appearance of the free product; and

(E) Upon completion of the activities required by this section, the owner or operator of the AST shall continue with the initial release response measures described in section (7) of this rule.

(9) Written Report. The owner or operator of the AST shall submit a written report on all activities required by this rule to the department within thirty (30) days of the date of discovery of the release. The report shall demonstrate compliance with all applicable requirements of this rule. Upon request, the department may allow another reasonable period of time for submission of the report. Upon review of this report, the department will determine whether the owner or operator must conduct a site characterization, as described in 10 CSR 20-15.050. If, in the judgment of the department, the information in the report is insufficient to adequately make this determination, the department may request additional information.

AUTHORITY: sections 319.137 and 644.026, RSMo 2000. Original rule filed Sept. 13, 2001.

PUBLIC COST: This proposed rule is estimated to cost affected state agencies and political subdivisions thirty-two thousand eight hundred nineteen dollars ($32,819) in Fiscal Year 2002 and every year thereafter for administration of and compliance with the new rule. A detailed fiscal note has been filed with the secretary of state.

PRIVATE COST: This proposed rule is expected to cost private entities $2,575,482 in Fiscal Year 2002 and every year thereafter for compliance with the requirements of the new rule. A detailed fiscal note has been filed with the secretary of state.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Clean Water Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on November 28, 2001 in Room 450 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Clean Water Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak shall be postmarked by midnight on November 14, 2001. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments shall be postmarked by midnight on Wednesday, December 5, 2001. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: Department of Natural Resources

Division: Clean Water Commission

Chapter: Aboveground Storage Tank - Release Response

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 20-15.020 Release Reporting and Initial Release Response Measures

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Number affected[1]	Item	Itemized Cost
Publicly-owned AST facilities storing petroleum products or other regulated substances for resale purposes and having a release or suspected release of regulated substances to the environment	3	Release Reporting	$20
		System Test	$450
		Initial Release Response Measures	$24,420
		Free Product Removal	$3,200
		Total Compliance Cost	**$28,090**
Missouri Department of Natural Resources[2]	1	Documenting release reports	$1,698
		Documenting System Tests	$425
		Documenting Site Investigation Reports	$934
		Review Initial Release Response Measures Reports	$1,375
		Review Free Product Recovery Reports	$297
		Total Administration Cost	**$4,729**
		Total Annual Cost to Public Entities to Administer and Comply with the requirements of 10 CSR 20-15.020	**$32,819[3]**

[1]All publicly-owned AST facilities storing petroleum products or other regulated substances for resale purposes are potentially affected by this rule. As of July 2001, the Missouri Department of Agriculture has 8 publicly-owned marinas and 66 publicly-owned airports registered in their database of facilities with ASTs statewide. It is assumed for the purposes of this fiscal note that marinas and airports constitute the entire universe of publicly-owned AST facilities potentially subject to the requirements of this rule. Of this entire universe, it is assumed for the purpose of this fiscal note that only 3 publicly-owned AST facilities will have a reportable release within a year of the effective date of this rule.
[2]The Missouri Department of Natural Resources is the agency responsible for administering the release reporting and initial release response measures requirements contained in this rule.
[3]This is an annualized cost. Because the duration of the rule cannot be estimated, an annualized aggregate is provided. All

numbers from the worksheet below have been rounded off to the nearest whole dollar.

III. WORKSHEET

1. Personnel Costs for Merit Employees are calculated using step "O" of the state fiscal year 2001 merit schedule produced by the Missouri Commission on Management and Productivity (COMAP). Monthly salaries are multiplied by 12 to obtain an annual cost. The annual cost is multiplied by a factor of 27.5% with the additional amount added to the annual salary to account for fringe benefits. $8045 is added for equipment and expenses. This sum is then multiplied by 22.15% and the additional amount added to account for indirect costs. Hourly costs are found by dividing the adjusted annual costs by 2080, the number of hours in a Full-Time Equivalent (FTE) All adjustment factors are based on current information provided by the hazardous waste program budget staff. Calculations for estimating the personnel costs of county and municipal employees are based on the same assumptions as for merit employees. Using this formula and the appropriate salaries, the following hourly rates are assumed to be the most accurate for purposes of this fiscal note:

   Hourly rate for Clerk Typist II = $20.88
   Hourly rate for Environmental Specialist III = $33.96
   Hourly rate for Environmental Specialist IV = $37.80
   Hourly rate for Environmental Section Chief = $42.29

2. **Reporting releases and suspected releases.** All releases greater than 25 gallons from a regulated AST that are not immediately contained and cleaned up are required to be reported to the department's Environmental Emergency Response line, unless the spill is completely contained within a secondary containment structure that is functionally liquid-tight and immediately cleaned up. It is assumed that all releases will be greater than 25 gallons. The total estimated cost attributed to the requirement for affected public entities to report releases or suspected releases is calculated based upon the experience of department staff who estimate that the department can expect a reportable release from 3 publicly-owned AST facilities per year. Public entity costs for purposes of this fiscal note include both the costs the Department of Natural Resources is assumed to incur to administer this portion of the rule (administration cost) and the costs incurred by the 3 affected public entities to comply with the requirements of the rule (compliance cost). Private entity compliance costs are counted in the private entity fiscal note for the same rule.

   A. **Department of Natural Resources administration costs.** It is assumed that the Department of Natural Resources will incur costs necessary to administer this portion of the rule. These costs include the cost of the services of an Environmental Specialist III responsible for receiving and documenting the phone call that notifies the department of the release or suspected release. It is expected to take 0.25 hours to receive and document the call. The department estimates that 3 publicly-owned AST facilities and 197 privately-owned AST facilities will be required to call the Environmental Emergency Response line, for a total of 200 calls received and processed.

      Environmental Specialist III hourly rate = $33.96 per hour

      $33.96 / 4 = $8.49 for 0.25 of an hour

      $8.49 x 200 calls processed by department = $1,698 estimated annual cost to the Missouri Department of Natural Resources to process telephone calls reporting a release or suspected release from a privately-owned or publicly-owned AST facility

   B. Public entity compliance costs. The number of publicly-owned active AST facilities in the state assumed to be subject to the release reporting and initial release response measures requirements is based upon the experience of Department staff who estimate a total of 200 reported releases or suspected releases in the year following the effective date of these rules. Currently, the Department receives an estimated 3 reports per week of releases at AST sites. This is assumed to increase somewhat once the requirement to report releases and suspected releases is promulgated as a result of this rulemaking. Of the 200 reported releases or suspected releases, the Department assumes that 3 will be at publicly-owned AST facilities. This estimate is based on the percentage of the total universe of AST facilities that are publicly-owned.

The cost for a regulated public entity to report a release to the Missouri Department of Natural Resource's Environmental Emergency Response line is estimated at an average of 0.25 hours per phone call. It is assumed that the phone call will be placed by an individual equivalent to an Environmental Specialist III, with an appropriate hourly rate.

Environmental Specialist III salary = $33.96 per hour

$33.96 x 0.20 = $6.79 estimated cost to report one release to the department's Environmental Emergency Response line

$6.79 x 3 publicly-owned AST facilities required to report = $20.37

Total public entity compliance cost for requirement to report releases = $20.37

3. **System test.** For any suspected release the owner or operator of a publicly-owned AST is required to take measures as necessary to determine whether a leak exists in either any portion of the tank or piping that routinely contains product or in the attached delivery piping, or in both. There are various measures that satisfy this requirement, but for the purposes of this fiscal note, it is assumed that a tightness test of the pressurized piping will be the selected method of system test. Costs incurred by public entities regulated by this rule to comply with this requirement are estimated by assuming that the cost of the tightness test will be contracted out. The estimated cost to conduct and document a system test is $450.00 per facility. This estimate is based on current local contractor pricing for a tightness test on a tank of 10,000 gallons or less. Although on average, there are 3 or 4 ASTs per facility, it is assumed that the test will only be required of the individual AST suspected of leaking. Public entity costs for purposes of this fiscal note include both the costs the Department of Natural Resources is assumed to incur to administer this portion of the rule (administration cost) and the costs incurred by any affected public entities to comply with the requirements of the rule (compliance cost). Private entity compliance costs are counted in the private entity fiscal note for the same rule.

A. Department of Natural Resources administration costs. It is assumed that the Department of Natural Resources will incur costs necessary to administer this portion of the rule. Of the 3 reportable releases from publicly-owned AST facilities, as estimated for the purposes of this fiscal note, it is assumed that 1 will be a suspected release, rather than a confirmed release. Therefore, it is assumed that one public entity will be required to conduct a tightness test to satisfy the system test requirement. Of the 197 reportable releases from privately-owned AST facilities, it is assumed that 49 will be suspected releases, rather than confirmed releases. Therefore it is assumed that 49 private entities will be required to conduct a tightness test to satisfy the system test requirement. Therefore, it is assumed that the Missouri Department of Natural Resources will receive, document, and analyze the results of a total of 50 system tests. The department's costs include the cost of the services of an Environmental Specialist III responsible for receiving and reviewing the results of the system test. It is expected to take 0.25 hours to review the results of the tightness test. The total administration cost of the Missouri Department of Natural Resources for the system test requirement is assumed to be as follows:

Environmental Specialist III salary = $33.96 per hour

$33.96 / 4 = $8.49 for 0.25 of an hour

$8.49 x 50 system test reports reviewed by department = $424.50

Department's estimated annual administration cost to administer the system test requirement = $424.50

B. Public entity compliance costs. It is assumed that a tightness test of the pressurized piping will be the selected method of system test. The estimated cost to conduct and document a system test is $450.00 per facility. The $450.00 price also includes preparation of the results into a report that is submitted to the Department of Natural Resources. As noted above, it is assumed that only one publicly-owned AST facility will be required to conduct a system test. It is further assumed that, based upon the results of the system test, Initial Release Response Measures will not be required.

$450 x 1 public entity required to conduct a system test = A total cost of $450 for the affected public entity to conduct the required system test

Total public entity compliance cost for system test requirement = $450

4. **Investigation due to off-site impacts or upon closure.** Public entity costs for purposes of this fiscal note include both the costs the Department of Natural Resources is assumed to incur to administer this portion of the rule (administration cost) and the costs incurred by any affected public entities to comply with the requirements of the rule (compliance cost). However, because the department has no documentation establishing that publicly-owned AST facilities present an environmental problem other than releases already reported to the department, it is assumed for the purposes of this fiscal note that no publicly-owned AST facilities will be required to conduct an investigation to determine whether there has been a release at the facility. Therefore, it is assumed that no public entity will incur costs to comply with this requirement. Private entity compliance costs are counted in the private entity fiscal note for the same rule.

A. Department of Natural Resources administration costs. It is assumed that the Department of Natural Resources will incur costs necessary to administer this portion of the rule. These costs include the cost of the services of an Environmental Specialist III responsible for receiving and reviewing the results of the sampling activities performed to determine whether a specific privately-owned AST or AST facility is the source of off-site contamination. The AST or AST facility may either be a previously-closed AST facility or an active AST facility. It is assumed to take 2.5 hours for an Environmental Specialist III to review the sampling results and report submitted in accordance with this requirement. It is estimated that 0 publicly-owned AST facilities and 11 privately-owned AST facilities will be required to measure for the presence of contamination to determine whether a specific AST or AST facility is the source of off-site contamination.

Environmental Specialist III salary = $33.96 per hour

$33.96 x 2.5 hours = $84.90

Cost to department to review one site investigation report = $84.90

11 private entities required to conduct a site investigation x $84.90 = $933.90

Estimated annual cost to the department to review site investigation reports = $933.90

4. **Initial release response measures.** Initial release response measures are required when contamination of the environment due to a release from a regulated AST is confirmed. Initial release response measures include removal of regulated substances from the AST, visual inspection of the area, monitoring environmental or other hazards posed by vapors or free product, and collection and analysis of necessary samples. The total estimated cost attributed to the requirement to conduct Initial Release Response (IRR) Measures is calculated based upon department records which indicate that the department can expect 75% of facilities with reportable releases to be required to conduct initial release response measures. This amounts to an estimated total of 2 publicly-owned AST facilities and 148 privately-owned AST facilities required to conduct the IRR measures. It is assumed that an additional 12 private entities will be required to conduct IRR measures after conducting a system test for a total of 162 private or public entities required to conduct IRR measures. Public entity costs for purposes of this fiscal note include both the costs the Department of Natural Resources is assumed to incur to administer this portion of the rule (administration cost) and the costs incurred by any affected public entities to comply with the requirements of the rule (compliance cost). Private entity compliance costs are counted in the private entity fiscal note for the same rule.

A. Department of Natural Resources administration costs. It is assumed that the Department of Natural Resources will incur costs necessary to administer this portion of the rule. These costs include the cost of the services of an Environmental Specialist III responsible for receiving and reviewing the IRR Report. It is expected to take 0.25 hours to review each report. It is estimated that 2 publicly-owned AST facilities and 160

privately-owned AST facilities will be required to conduct the IRR and submit the report.

Environmental Specialist III salary = $33.96 per hour

$33.96 / 4 = $8.49 for 0.25 of an hour

$8.49 x 162 total number of reports reviewed by department = $1,375.38

Department's estimated annual administration cost to administer the Initial Release Response Measures requirement = $1,375.38

B. Public entity compliance costs. It is assumed that 2 publicly-owned AST facilities will be required to conduct Initial Release Response measures. Based on past sampling activities at underground storage tank, the estimated cost to complete all initial release response measures is as follows:

a. Emptying of the AST

Vacuum truck = $100 per hour x 2 hours =	$200
Drum disposal = $165 x 2 drums of sludge =	$330
Fluid disposal = $0.28 per gallon x 500 gallons =	$140
Project manager = $75 per hour x 2 hours =	$150
Labor = $60 per hour x 2 hours =	$120
Hauling fee = $85 per hour x 2 hours =	$170
Total cost to empty the AST	**$1110**

b. Initial sampling

3 samples (product dispenser, beneath the tank, product line) x $100 per sample =	$300
Total cost for initial sampling	**$300**

c. Soil excavation

Soil sampling = $100 per sample x 12 samples =	$1200
Dig and haul = $60 per ton x 150 tons =	$9000
Project manager = $75 per hour x 8 hours =	$600
Total cost of soil excavation	**$10800**

d. Total cost of Initial Release Response Measures

Emptying of the AST	$1110
Initial sampling	$300
Soil excavation	$10800
Total cost of IRR requirements	**$12210**
$12210 x 2 public entities required to perform IRR =	**$24420**
Total public entity compliance cost for IRR measures =	**$24420**

5. **Free product removal.** The total estimated cost attributed to the requirement to conduct free product removal activities is based upon the department's best judgment as to how many publicly-owned or privately-owned AST

facilities will have a release where free product removal is necessary. Public entity costs for purposes of this fiscal note include both the costs the Department of Natural Resources is assumed to incur to administer this portion of the rule (administration costs) and the costs incurred by any affected public entities to comply with the requirements of the rule (compliance costs). Private entity compliance costs are counted in the private entity fiscal note for the same rule.

A. Department of Natural Resources administration costs. It is assumed that the Department of Natural Resources will incur costs necessary to administer this portion of the rule. These costs include the cost of the services of an Environmental Specialist III responsible for receiving and reviewing the results of the free product recovery report. It is expected to take 0.25 hours to review this report. It is estimated that 1 publicly-owned AST facilities and 34 privately-owned AST facilities will be required to submit a free product recovery report.

Environmental Specialist III salary = $33.96 per hour
$33.96 x 0.25 hours = $8.49 to review one report
$8.49 x 35 reports reviewed by department = $297.15
Estimated annual cost to the department to review and process free product recovery reports = $297.15

B. Public entity compliance costs. It is assumed that 1of the 3 publicly-owned AST facilities expected to report a release or suspected release will be required to conduct free product recovery measures, including removal of free product, necessary abatement measures, and preparation and submittal of a free product recovery report. The cost of these measures is estimated to be $3200 based on cost information from similar activities at leaking underground storage tank sites, as follows:

Project manager:	**$75 per hour x 8 hours =**	**$1600**
Labor:	**$50 per hour x 16 hours =**	**$800**
Blower:	**$150 per day x 2 days =**	**$300**
Trenching:	**$1500 per day x 1 day =**	**$1500**
Total cost of free product recovery:		**$3200**

$3200 x 1 facility required to conduct free product recovery measures = $3200

Total public entity compliance cost for free product recovery measures = $3200

IV. ASSUMPTIONS

1. Because the duration of the rule cannot be estimated, an annualized aggregate cost is provided. The annualized aggregate cost is expected to remain constant for the duration of the rule.
2. The universe of affected entities is based upon the experience of staff of the Missouri Department of Natural Resources. Entities affected are AST facilities storing regulated substances for resale purposes and having a reportable release or suspected release to the environment. Department staff assume that the current rate of approximately 3 reports per week of spills at AST facilities will increase slightly due to the requirement in this rule to report releases or suspected releases. It is assumed that this information provides a fair and accurate estimate of the universe of regulated ASTs subject to the requirements of this rule.
3. Fiscal year 2001 dollars are used to estimate the costs.
4. Estimates assume a constant regulatory context, which requires no reporting standards beyond those currently required or imposed by this rulemaking.
5. Estimates assume there will be no new or sudden changes in technology, which would influence costs.
6. This fiscal note is not in lieu of the requirements or a model for compliance with this rule. The examples used for cost calculations are good faith estimates and averages using the department's professional judgement.
7. Affected entities are assumed to be in compliance with all applicable environmental laws and regulations.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: Department of Natural Resources

Division: Clean Water Commission

Chapter: Aboveground Storage Tanks – Release Response

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 20-15.020 Release Reporting and Initial Release Response Measures

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Number likely to be affected[1]	Item	Itemized Cost*
Privately-owned AST facilities storing petroleum products or other regulated substances for resale purposes and having a release or suspected release of regulated substances to the environment	197	Release Reporting	$1,698
		System Test	$22,050
		Initial Release Response Measures	$2,442,000
		Free Product Removal	$108,800
Active or previously-closed facilities required to conduct a site investigation due to off-site impacts	11	Site investigation	$934
		Total annual compliance cost in the aggregate for private entities	**$2,575,482[2]**

[1]All privately-owned AST facilities storing petroleum products or other regulated substances for resale purposes are potentially affected by this rule. As of July 2001, the Missouri Department of Agriculture has 2109 privately-owned AST facilities registered in their database of ASTs statewide. Of this entire universe, it is assumed for the purpose of this fiscal note that only 197 privately-owned AST facilities will have a reportable release within a year of the effective date of this rule.

[2]This is an annualized cost. Because the duration of the rule cannot be estimated an annualized aggregate is provided. All numbers from the worksheet below have been rounded off to the nearest whole dollar.

III. WORKSHEET

1. Personnel Costs for Merit Employees are calculated using step "O" of the state fiscal year 2001 merit schedule produced by the Missouri Commission on Management and Productivity (COMAP). Monthly salaries are multiplied by 12 to obtain an annual cost. The annual cost is multiplied by a factor of 27.5% with the additional amount added to the annual salary to account for fringe benefits. $8045 is added for equipment and expenses. This sum is then multiplied by 22.15% and the additional amount added to account for indirect costs. Hourly costs are found by dividing the adjusted annual costs by 2080, the number of hours in a Full-Time Equivalent (FTE) All adjustment factors are based on current information provided by the hazardous waste program budget staff. Calculations for estimating the personnel costs of county and municipal employees are based on the same assumptions as for merit

employees. Using this formula and the appropriate salaries, the following hourly rates are assumed to be the most accurate for purposes of this fiscal note:

Hourly rate for Clerk Typist II = $20.88
Hourly rate for Environmental Specialist III = $33.96
Hourly rate for Environmental Specialist IV = $37.80
Hourly rate for Environmental Section Chief = $42.29

2. The universe of affected entities is based upon the experience of staff of the Missouri Department of Natural Resources. Entities affected are AST facilities storing regulated substances for resale purposes and having a reportable release or suspected release to the environment. Department staff assume that the current rate of approximately 3 reports per week of spills at AST facilities will increase slightly due to the requirement in this rule to report releases or suspected releases. It is assumed that this information provides a fair and accurate estimate of the universe of regulated ASTs subject to the requirements of this rule.

3. **Reporting releases and suspected releases.** All releases greater than 25 gallons that are not immediately contained and cleaned up are required to be reported to the department's Environmental Emergency Response line, unless the spill is completely contained within a secondary containment structure that is functionally liquid-tight and immediately cleaned up. It is assumed that all releases will be greater than 25 gallons, and therefore required to be reported to the department. The total estimated cost attributed to the requirement to report releases or suspected releases is calculated based upon department records which indicate that the department can expect a reportable release from approximately 200 facilities per year. It is assumed that 197 of these facilities are privately-owned and that 49 will be required to conduct a system test and 148 will be required to implement Initial Release Response Measures. Private entity costs for purposes of this fiscal note include the costs incurred by the affected private entity to comply with the requirements of the rule. The administration costs of the department to process and document the phone call are counted in the public entity fiscal note for the same rule.

A. Private entity compliance costs. The cost for a regulated private entity to report a release to the Missouri Department of Natural Resource's Environmental Emergency Response line is estimated at an average of 0.25 hours per phone call. It is assumed that the phone call will be placed by an individual equivalent to an Environmental Specialist III, with an appropriate hourly rate.

Environmental Specialist III hourly rate = $33.96 per hour

$33.96 x 0.25 = $8.49 estimated cost to report one release to the department's Environmental Emergency Response line

$8.49 x 197 number of reportable releases from regulated private entities = $1,698

Total cost of compliance for private entities = $1,698

4. **System test.** For any suspected release the owner or operator of a privately-owned AST is required to take measures as necessary to determine whether a leak exists in either any portion of the tank or piping that routinely contains product or in the attached delivery piping, or in both. There are various measures that satisfy this requirement, but for the purposes of this fiscal note, it is assumed that a tightness test of the pressurized piping will be the selected method of system test. Costs incurred by private entities regulated by this rule to comply with the system test requirement are estimated based on current local contractor pricing per facility to conduct a system test. It is assumed that a tightness test of the pressurized piping will be the selected method of system test. The estimated cost to conduct and document a system test is $450.00 per facility. This estimate is based on current local contractor pricing for a tightness test on a tank of 10,000 gallons or less. Although on average, there are 3 or 4 ASTs per facility, it is assumed that the test will only be required of the individual AST suspected of leaking. Of the 197 reportable releases at privately-owned AST facilities known to the Department of Natural Resources, it is assumed that 75% or 49 facilities will be required to conduct a system test to determine whether a release has actually occurred when a suspected release is reported. Additionally, based upon the results of the system test, it is assumed that 25% or 12 of these 49 facilities will

subsequently be required to implement the Initial Release Response Measures, itemized below in Number 7 of this worksheet. These facilities will incur additional costs and those costs are included below.

49 privately-owned AST facilities required to conduct a system test x $450.00 = $22,050

Total private entity compliance cost for the system test requirement = $22,050

5. **Investigation due to off-site impacts.** Based upon documented physical evidence of contamination off-site, the department may request the owner or operator of an active AST facility to take measures as necessary to determine whether a release has occurred. It is assumed for the purposes of this fiscal note that it will take 2.5 hours for the equivalent of an Environmental Specialist III to conduct the activities necessary to complete a site investigation, compile the results, and submit to the department. Based on the experience of department staff, it is assumed for the purposes of this fiscal note that 11 private entities will be required to conduct a site investigation.

Environmental Specialist III hourly rate = $33.96

$33.96 x 2.5 hours = $84.90

Compliance cost to conduct a site investigation = $84.90

11 facilities required to conduct a site investigation x $84.90 = $933.90

Total compliance cost for requirement that active or previously-closed AST facilities conduct a site investigation due to off-site impacts = $933.90

6. **Investigation due to closure.** Based upon documented physical evidence of contamination at a previously closed AST site, the department may request the owner or operator of the previously closed facility to take measures as necessary to determine whether a release has occurred. It is assumed for the purposes of this fiscal note that it will take 2.5 hours for the equivalent of an Environmental Specialist III to conduct the activities necessary to complete a site investigation, compile the results, and submit to the department. As noted above, based on the experience of department staff, it is assumed for the purposes of this fiscal note that 11 active or previously-closed AST facilities will be required to conduct a site investigation.

7. **Initial release response measures.** It is assumed that 75% of the 197 reportable releases or 148 privately-owned AST facilities will be immediately required to perform initial release response measures. Additionally, of the 49 private entities assumed to report a suspected release and subsequently conduct a system test, 25% or 12 entities will subsequently be required to conduct implement IRR measures, for a total of 160 private entities assumed to be required to conduct IRR measures. IRR measures include removal of regulated substances from the AST, visual inspection of the area, monitoring environmental or other hazards posed by vapors or free product, collection and analysis of necessary samples, and an investigation of the site. Based upon records of similar activities at underground storage tank sites, the estimated cost to complete all initial release response measures is as follows:

A. Emptying of the AST

Vacuum truck = $100 per hour x 2 hours =	$200
Drum disposal = $165 x 2 drums of sludge =	$330
Fluid disposal = $0.28 per gallon x 500 gallons =	$140
Project manager = $75 per hour x 2 hours =	$150
Labor = $60 per hour x 2 hours =	$120
Hauling fee = $85 per hour x 2 hours =	$170
Total cost to empty the AST	**$1110**

b. Initial sampling

3 samples (product dispenser, beneath the tank, product line) x $100 per sample =	$300
Total cost for initial sampling	**$300**

c. Soil excavation

Soil sampling = $100 per sample x 12 samples =	$1200
Dig and haul = $60 per ton x 150 tons =	$9000
Project manager = $75 per hour x 8 hours =	$600
Total cost of soil excavation	**$10800**

d. Total cost of Initial Release Response Measures

Emptying of the AST	$1110
Initial sampling	$300
Soil excavation	$10800
Total cost of IRR requirements	**$12210**
Total compliance cost = $12210 x 160 =	**$1,953,600**

8. Free product removal

It is assumed that 23% or 34 of the 148 privately-owned AST facilities reporting a release will be required to conduct free product recovery measures, including removal of free product, necessary abatement measures, and preparation and submittal of a free product recovery report. The cost of these measures is estimated to be $3200 based on cost information from similar activities at leaking underground storage tank sites. The department's cost to document and review the report is counted in the public entity fiscal note for the same rule.

Project manager: $75 per hour x 8 hours =		**$1600**
Labor:	**$50 per hour x 16 hours =**	**$800**
Blower:	**$150 per day x 2 days =**	**$300**
Trenching:	**$1500 per day x 1 day =**	**$1500**
Total cost of free product recovery:		**$3200**

$3200 x 34 private entities required to conduct free product removal activities = $108,800

Total private entity compliance cost = $108,800

IV. ASSUMPTIONS

1. Because the duration of the rule cannot be estimated, an annualized aggregate cost is provided. The annualized aggregate cost is expected to remain constant for the duration of the rule.
2. Fiscal year 2001 dollars are used to estimate the costs.
3. Estimates assume a constant regulatory context, which requires no reporting standards beyond those currently required or imposed by this rulemaking.
4. Estimates assume there will be no new or sudden changes in technology, which would influence costs.
5. This fiscal note is not in lieu of the requirements or a model for compliance with this rule. The examples used for cost calculations are good faith estimates and averages using the department's professional judgement.
6. Affected entities are assumed to be in compliance with all applicable environmental laws and regulations.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 20—Clean Water Commission
Chapter 15—Aboveground Storage Tanks—Release Response

PROPOSED RULE

10 CSR 20-15.030 Site Characterization and Corrective Action

PURPOSE: The Missouri Clean Water Commission is responsible for adopting rules necessary to prevent, control and abate potential discharge of contaminants to the waters of the state. Releases of petroleum and other regulated substances from aboveground storage tanks and associated piping, primarily from ASTs located at service stations, marinas, bulk plants, and fleet fueling facilities, have been documented throughout the state. While the applicable Department of Agriculture regulations focus on prevention of such releases, there are currently no specific requirements for release response measures that must be taken to protect the environment and the waters of the state. The commission has determined release response measures to be necessary because, once a release has occurred, the nature of the contaminants is such that, without appropriate release response measures, there is a substantial threat that the discharged contaminants will pollute the waters of the state. The intent of the release response measures required by the rules in this chapter is to prevent any discharged contaminants from polluting the waters of the state. This rule describes the first steps that shall be taken to abate or stop the spread of contaminants, mitigate and determine the extent of the release, and requires spilled free product to be collected and removed from the environment immediately. Further, this rule specifies the procedures for soil and groundwater investigations or characterization of the release at the site, and lists the requirements for corrective action plans for cleanup of releases from aboveground storage tank sites. In addition, this rule specifies the type of information required to be submitted by the owner or operator to the department, upon completion of these phases of activities.

(1) Site Characterization.

(A) At the request of the department in response to a release, the owner or operator of an AST shall conduct a site characterization to include a full investigation of the release, the release site and the surrounding area to determine the full extent and location of soils contaminated by the release and the presence and concentrations of contamination in the groundwater if the Initial Release Response Report submitted in compliance with 10 CSR 20-15.020 documents any of the following:

1. Contaminated groundwater or surface water above action levels;
2. Contaminated soils above action levels;
3. Presence of free product; or
4. Some other characteristic determined by the department to require further investigation because of its potential to result in pollution of the waters of the state or a potential threat to human health and the environment.

(B) An owner or operator of an AST shall follow a written procedure for conducting the site characterization of the release site. The department's Site Characterization Guidance Document may be used as a written procedure. Other written procedures may be used with prior written approval from the department.

(2) Site Characterization Reporting. A site characterization shall include, at a minimum, information about the site and the nature of the release. The site characterization report containing this information shall be submitted to the department within forty-five (45) days of date of the department's request to conduct site characterization in subsection (1)(A) of this rule. The department may approve an alternative reporting schedule. This information shall include, but is not limited to, the following:

(A) Data regarding the type of product released and an estimate of the quantity;

(B) Data from available sources or site investigations concerning the following factors:

1. Surrounding land use;
2. The hydrogeologic characteristics of the site and the surrounding area;
3. Use and approximate locations of wells affected or potentially affected by the release;
4. Surface and subsurface soil conditions at the site and the immediate surrounding area;
5. Locations of subsurface utilities;
6. The proximity, quality, and current and potential future uses of nearby surface and ground water;
7. The potential effects of residual contamination on nearby surface and ground water; and
8. Any additional relevant information assembled while carrying out the steps required in 10 CSR 20-15.040 and this rule.

(3) Corrective Action. Based upon the results of the site characterization, the owner or operator of the AST may be required to submit to the department a plan for corrective action that provides for adequate protection of human health and the environment, as determined by the department. The owner or operator of the AST shall modify the plan as necessary to meet this standard.

(A) If a plan is required, the owner or operator shall submit the plan within forty-five (45) days or according to a schedule and format established by the department.

(B) Even if not requested by the department, an owner or operator of an AST may elect to submit a corrective action plan.

(C) Once a plan has been submitted, the department will review the corrective action plan to ensure that implementation of the plan will adequately protect human health and the environment. In making this determination, the department will consider the factors listed in subsection (2)(B) of this rule.

(D) Upon written approval of the plan, or as directed by the department, the owner or operator of the AST shall implement the plan, including any modifications to the plan made by the department. The owner or operator shall evaluate and report the results of implementing the plan in accordance with a schedule and in a format established by the department.

(E) An owner or operator of an AST may begin remediation of soil and groundwater prior to approval of the corrective action plan provided they:

1. Notify the department in writing of their intention to begin cleanup;
2. Comply with any conditions imposed by the department, including cessation of remedial activities or mitigation of adverse consequences from cleanup activities; and
3. Incorporate all self-initiated remedial measures into the corrective action plan submitted to the department for approval.

(F) An owner or operator of an AST shall follow a written procedure for establishing a corrective action plan. The department's Corrective Action Guidance Document may be used as a written procedure. Other written procedures may be used with prior written approval from the department.

AUTHORITY: sections 319.137 and 644.026, RSMo 2000. Original rule filed Sept. 13, 2001.

PUBLIC COST: This proposed rule is estimated to cost affected state agencies and political subdivisions one hundred twenty-six thousand seven hundred forty-four dollars ($126,744) in Fiscal Year 2002 and every year thereafter for administration of and compliance with the new rule. A detailed fiscal note has been filed with the secretary of state.

PRIVATE COST: This proposed rule is expected to cost private entities $4,038,000 in Fiscal Year 2002 and every year thereafter for compliance with the requirements of the new rule. A detailed fiscal note has been filed with the Secretary of State.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Clean Water Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on November 28, 2001 in Room 450 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Clean Water Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak shall be postmarked by midnight on November 14, 2001. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments shall be postmarked by midnight on Wednesday, December 5, 2001. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program at (573) 751-3176.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: Department of Natural Resources

Division: Clean Water Commission

Chapter: Aboveground Storage Tank – Release Response

Type of Rulemaking: Proposed Rulemaking

Rule Number and Name: 10 CSR 20-15.030 Site Characterization and Corrective Action

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Number affected[1]	Item	Itemized Cost
Publicly-owned AST facility storing petroleum products or other regulated substances for resale purposes and having a release or suspected release of regulated substances to the environment requiring submission of a site characterization report and preparation and implementation of a corrective action plan	1	Preparation of a site characterization report	$13,550
		Preparation and implementation of a Corrective Action Plan	$26,800
		Total Public Entity Compliance Cost	**$40,350**
Missouri Department of Natural Resources	1	Documenting submitted Site Characterization Reports	$49,310
		Documenting submitted Corrective Action Plans	$37,084
		Total Public Entity Administration Cost	**$86,394**
		Total Annual Cost to Public Entities to Administer and Comply with the requirements of 10 CSR 20-15.030	**$126,744**[2]

[1]All publicly-owned AST facilities storing petroleum products or other regulated substances for resale purposes are potentially affected by this rule. As of July 2001, the Missouri Department of Agriculture has 8 publicly-owned marinas and 66 publicly-owned airports registered in their database of facilities with ASTs statewide. It is assumed for the purposes of this fiscal note that marinas and airports constitute the entire universe of publicly-owned AST facilities potentially subject to the requirements of this rule. Of this entire universe, it is assumed for the purpose of this fiscal note that only 1 publicly-owned AST facility will have a reportable release and subsequently be required to implement a Site Characterization Plan or a Corrective Action plan within a year of the effective date of this rule.

[2]This is an annualized cost. Because the duration of the rule cannot be estimated, an annualized aggregate is provided. All numbers from the worksheet below have been rounded off to the nearest whole dollar.

III. WORKSHEET

1. Personnel Costs for Merit Employees are calculated using step "O" of the state fiscal year 2001 merit schedule produced by the Missouri Commission on Management and Productivity (COMAP). Monthly salaries are multiplied by 12 to obtain an annual cost. The annual cost is multiplied by a factor of 27.5% with the additional amount added to the annual salary to account for fringe benefits. $8045 is added for equipment and expenses. This sum is then multiplied by 22.15% and the additional amount added to account for indirect costs. Hourly costs are found by dividing the adjusted annual costs by 2080, the number of hours in a Full-Time Equivalent (FTE) All adjustment factors are based on current information provided by the hazardous waste program budget staff. Calculations for estimating the personnel costs of county and municipal employees are based on the same assumptions as for merit employees. Using this formula and the appropriate salaries, the following hourly rates are assumed to be the most accurate for purposes of this fiscal note:

   Hourly rate for Clerk Typist II = $20.88
   Hourly rate for Environmental Specialist III = $33.96
   Hourly rate for Environmental Specialist IV = $37.80
   Hourly rate for Environmental Section Chief = $42.29

2. Based upon the experience of department staff, it is assumed that 1 of the 2 publicly-owned AST facilities required to conduct Initial Release Response Measures, as noted in the public entity fiscal note for 10 CSR 20-15.020, will be required to conduct a site characterization to determine the extent of the release.

3. The department further assumes that the 1 publicly-owned AST facility requested to conduct a site characterization will also be required to prepare and implement a Corrective Action plan.

4. Public entity costs for the purposes of this fiscal note include compliance costs for any public entities required to conduct a site characterization or to implement a corrective action plan (Compliance costs) and the department's cost to administer the requirements of the rule (Administration costs). The cost for the department to administer this rule includes the cost of receiving and reviewing any site characterization reports required by this rule as well as any corrective plans required by this rule.

5. **Staff time for review of site characterization reports and/or corrective action plans**

   A. Review time

   Based on task time correlation, the department estimates it will take an environmental specialist III 12 hours to receive, analyze, and respond to either the site characterization report or the corrective action plan submitted in compliance with this rule, whether submitted by a private entity or a public entity. The private entity compliance costs are counted in the private entity fiscal note.

Environmental Specialist III salary	=	$3,254.00/month
Hourly Salary	=	$33.96
$33.96 x 12 hours	=	$407.52

121 characterization reports submitted + 91 corrective action plans submitted = 212 site characterization reports and or corrective action plans reviewed by department

212 x $407.52 = $86,394.24

Total cost to Missouri Department of Natural Resources to receive, analyze, and respond to site characterization reports and/or corrective action plans submitted in compliance with this rule = $86,394.24

6. **Site characterization costs.** It is assumed that 1 of the 2 publicly-owned AST facilities required to prepare and submit an Initial Release Response Measures Report will be required to conduct site characterization activities and submit a report. Based on past cleanups of leaking underground storage tanks, the estimated cost to complete a site characterization and prepare and submit a Site Characterization Report is $13,550, as follows:

   Geoprobe = $6000 for the 1st day x 1 day = $6000

Geoprobe = $4000 for the second day x ½ day =	$2000
Sampling analysis = $100 per sample x 12 samples =	$1200
Project manager = $75 per hour x 38 hours =	$2850
Final report $1500 per report x 1 =	$1500
Total site characterization costs =	$13,550

1 publicly-owned AST facilities required to conduct a site characterization x $13,550

Total public entity compliance cost for requirement to conduct a site characterization = $13,550

7. **Corrective Action costs.** Although there are other available techniques, costs can vary widely depending on the selected remedy and the extent of the release. Therefore, for the purposes of this fiscal note, excavation of the contaminated soil is assumed to be the selected method of remediation. It is assumed that the 1 publicly-owned AST facility required to prepare and submit a Site Characterization report will also be required to prepare, submit, and implement a Corrective Action plan with excavation of contaminated soil as the selected remedy. Based on department records, the estimated compliance cost for contracted work to excavate contaminated soil at a release site is as follows:

Project manager = $75 per hour x 38 hours =	$2850
Other labor = $50 per hour x 42 hours =	$2100
Dig and haul = 60 yards x $325 per cubic yard =	$19500
Hauling fees = $85 per hour x 10 hours =	$850
Final report $1500 per report x 1 =	$1500
Total corrective action costs =	$26,800

1 publicly-owned AST facility required to implement a Corrective Action plan x $26,800 = $26,800

Total public entity compliance cost for requirement to prepare and implement a Corrective Action plan = $26,800

IV. ASSUMPTIONS

1. Because the duration of the rule cannot be estimated, an annualized aggregate cost is provided. The annualized aggregate cost is expected to remain constant for the duration of the rule.
2. The universe of affected entities is based upon the experience of staff of the Missouri Department of Natural Resources. Entities affected are AST facilities storing regulated substances for resale purposes and having a reportable release or suspected release to the environment. Department staff assume that the current rate of approximately 3 reports per week of spills at AST facilities will increase slightly due to the requirement in this rule to report releases or suspected releases. It is assumed that this information provides a fair and accurate estimate of the universe of regulated ASTs subject to the requirements of this rule.
3. Fiscal year 2001 dollars are used to estimate the costs.
4. Estimates assume a constant regulatory context, which requires no reporting standards beyond those currently required or imposed by this rulemaking.
5. Estimates assume there will be no new or sudden changes in technology, which would influence costs.
6. This fiscal note is not in lieu of the requirements or a model for compliance with this rule. The examples used for cost calculations are good faith estimates and averages using the department's professional judgement.
7. Affected entities are assumed to be in compliance with all applicable environmental laws and regulations.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: Department of Natural Resources

Division: Clean Water Commission

Chapter: Aboveground Storage Tanks – Release Response

Type of Rulemaking: Proposed Rule

Rule Number and Name: 10 CSR 20-15.030 Site Characterization and Corrective Action

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Number likely to be affected[1]	Item	Itemized Cost
Privately-owned AST facilities storing petroleum products or other regulated substances for resale purposes and having a release or suspected release of regulated substances to the environment requiring submission of a site characterization report and/or Corrective Action Plan	120	Site Characterization Implementation and Report	$1,626,000
		Corrective Action Plan Implementation and Report	$2,412,000
		Total annual private entity compliance cost	**$4,038,000[2]**

[1]All privately-owned AST facilities storing petroleum products or other regulated substances for resale purposes are potentially affected by this rule. As of July 2001, the Missouri Department of Agriculture has 2109 privately-owned AST facilities registered in their database of ASTs statewide. Of this entire universe, it is assumed for the purpose of this fiscal note that only 120 privately-owned AST facilities will have a reportable release and subsequently be required to implement a Site Characterization Plan or a Corrective Action plan within a year of the effective date of this rule.
[2]This is an annualized cost. Because the duration of the rule cannot be estimated, an annualized aggregate cost is provided.

III. WORKSHEET

1. Based upon the experience of department staff, it is assumed that 75% or 120 of the 160 privately-owned AST facilities required to conduct Initial Release Response Measures and report, as noted in the private entity fiscal note for 10 CSR 20-15.020, will be required to conduct a site characterization to determine the extent of the release. Based on this assumption, the department assumes 120 privately-owned AST facilities will be required to conduct a site characterization and submit a report to the department.

2. The department further assumes that 75% or 90 of the 120 privately-owned AST facilities requested to conduct a site characterization will also be required to prepare and implement a Corrective Action plan.

3. **Site characterization costs.** As noted in the assumption above, the department assumes that 120 of the 160 privately-owned AST facilities required to prepare and submit an Initial Release Response Measures Report, as noted

in the Private Entity Fiscal Note for 10 CSR 20-15.020, will be required to conduct site characterization activities and submit a report. Based on past cleanups of leaking underground storage tanks, the estimated cost to complete a site characterization and prepare and submit a Site Characterization Report is $13,550, as follows:

Project manager = $75 per hour x 38 hours =	$2850
Geoprobe = $6000 for the 1st day x 1 day =	$6000
$4000 for the second day x ½ day =	$2000
Sampling analysis = $100 per sample x 12 samples =	$1200
Final report $1500 per report x 1 =	$1500
Total site characterization costs =	**$13,550**
120 privately-owned AST facilities x $13,550 =	$1,626,000

Total private entity compliance cost for requirement to conduct a site characterization = $1,626,000

- **Corrective Action costs.** As noted in the assumption above, the department assumes that 90 of the 120 privately-owned AST facilities required to prepare and submit a Site Characterization Report, as noted above, will be required to prepare, submit, and implement a Corrective Action Plan. Although there are other available techniques for remediation of contamination at an AST release site, costs can vary widely depending on the selected remedy. Therefore, for the purposes of this fiscal note, excavation of the contaminated soil is assumed to be the method of remediation submitted in the Corrective Action Plan. Based on department records, the estimated compliance cost for contracted work to excavate contaminated soil at a release site is as follows:

Project manager = $75 per hour x 38 hours =	$2850
Other labor = $50 per hour x 42 hours =	$2100
Dig and haul = 60 yards x $325 per cubic yard =	$19500
Hauling fees = $85 per hour x 10 hours =	$850
Final report $1500 per report x 1 =	$1500
Total corrective action costs =	$26,800
90 privately-owned AST facilities x $26,800 =	$2,412,000

Total private entity compliance cost for requirement to prepare, submit, and implement a Corrective Action Plan = $2,412,000

V. ASSUMPTIONS

- Because the duration of the rule cannot be estimated, an annualized aggregate cost is provided. The annualized aggregate cost is expected to remain constant for the duration of the rule.
- The universe of affected entities is based upon the experience of staff of the Missouri Department of Natural Resources. Entities affected are AST facilities storing regulated substances for resale purposes and having a reportable release or suspected release to the environment. Department staff assume that the current rate of approximately 3 reports per week of spills at AST facilities will increase slightly due to the requirement in this rule to report releases or suspected releases. It is assumed that this information provides a fair and accurate estimate of the universe of regulated ASTs subject to the requirements of this rule.
- Fiscal year 2001 dollars are used to estimate the costs.
- Estimates assume a constant regulatory context, which requires no reporting standards beyond those currently required or imposed by this rulemaking.
- Estimates assume there will be no new or sudden changes in technology, which would influence costs.
- This fiscal note is not in lieu of the requirements or a model for compliance with this rule. The examples used for cost calculations are good faith estimates and averages using the department's professional judgement.

7. Affected entities are assumed to be in compliance with all applicable environmental laws and regulations.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Division of Family Services
Chapter 19—Energy Assistance

PROPOSED AMENDMENT

13 CSR 40-19.020 Low Income Home Energy Assistance Program. The Division of Family Services proposes to amend section (3) to reflect changes made in income levels based on federal poverty guidelines.

PURPOSE: This amendment is being made to adjust the monthly income amounts on the LIHEAP Income Ranges Chart.

(3) Primary eligibility requirements for this program are as follows:

(D) Each household must have a monthly income no greater than the specific amounts based on household size as set forth in the Low Income Home Energy Assistance Program (LIHEAP) Income Ranges Chart. If the household size and composition of a LIHEAP applicant household can be matched against an active food stamp case reflecting the same household size and composition, monthly income for LIHEAP will be established by using the monthly income documented in the household's food stamp file.

[LIHEAP INCOME RANGES CHART

Monthly Income Amounts

Household Size	*Income Range*	*Income Range*	*Income Range*	*Income Range*	*Income Range*
1	*$0–174*	*$175–348*	*$349–522*	*$523–696*	*$697–870*
2	*$0–234*	*$235–468*	*$469–702*	*$703–936*	*$937–1,172*
3	*$0–271*	*$272–542*	*$543–813*	*$814–1,084*	*$1,085–1,356*
4	*$0–326*	*$327–652*	*$653–978*	*$979–1,304*	*$1,305–1,634*
5	*$0–382*	*$383–764*	*$765–1,146*	*$1,147–1,528*	*$1,529–1,912*
6	*$0–438*	*$439–876*	*$877–1,314*	*$1,315–1,752*	*$1,753–2,190*
7	*$0–493*	*$494–986*	*$987–1,479*	*$1,480–1,972*	*$1,973–2,468*
8	*$0–549*	*$550–1,098*	*$1,099–1,647*	*$1,648–2,196*	*$2,197–2,746*
9	*$0–604*	*$605–1,208*	*$1,209–1,812*	*$1,813–2,416*	*$2,417–3,024*
10	*$0–660*	*$661–1,320*	*$1,321–1,980*	*$1,981–2,640*	*$2,641–3,301*
11	*$0–715*	*$716–1,430*	*$1,431–2,145*	*$2,146–2,860*	*$2,861–3,579*
12	*$0–771*	*$772–1,542*	*$1,543–2,313*	*$2,314–3,084*	*$3,085–3,857*
13	*$0–827*	*$828–1,654*	*$1,655–2,481*	*$2,482–3,308*	*$3,309–4,135*
14	*$0–882*	*$883–1,764*	*$1,765–2,646*	*$2,647–3,528*	*$3,529–4,413*
15	*$0–938*	*$939–1,876*	*$1,877–2,814*	*$2,815–3,752*	*$3,753–4,691*
16	*$0–993*	*$994–1,986*	*$1,987–2,979*	*$2,980–3,972*	*$3,973–4,969*
17	*$0–1,049*	*$1,050–2,100*	*$2,101–3,149*	*$3,150–4,198*	*$4,199–5,247*
18	*$0–1,105*	*$1,106–2,210*	*$2,211–3,315*	*$3,316–4,420*	*$4,421–5,525*
19	*$0–1,160*	*$1,161–2,320*	*$2,321–3,480*	*$3,481–4,640*	*$4,641–5,803*
20	*$0–1,216*	*$1,217–2,432*	*$2,433–3,648*	*$3,649–4,864*	*$4,865–6,081]*

LIHEAP INCOME RANGES CHART

Monthly Income Amounts

Household Size	**Income Range**	**Income Range**	**Income Range**	**Income Range**	**Income Range**
1	**$0–179**	**$180–359**	**$360–539**	**$540–719**	**$720–895**
2	**$0–242**	**$243–485**	**$486–728**	**$729–971**	**$972–1,209**
3	**$0–280**	**$281–561**	**$562–842**	**$843–1,123**	**$1,124–1,402**
4	**$0–338**	**$339–677**	**$678–1,016**	**$1,017–1,355**	**$1,356–1,692**
5	**$0–396**	**$397–793**	**$794–1,190**	**$1,191–1,587**	**$1,588–1,981**
6	**$0–454**	**$455–909**	**$910–1,364**	**$1,365–1,819**	**$1,820–2,270**
7	**$0–512**	**$513–1,025**	**$1,026–1,538**	**$1,539–2,051**	**$2,052–2,560**
8	**$0–570**	**$571–1,141**	**$1,142–1,713**	**$1,714–2,284**	**$2,285–2,849**
9	**$0–628**	**$629–1,257**	**$1,258–1,886**	**$1,887–2,515**	**$2,516–3,139**
10	**$0–686**	**$687–1,373**	**$1,374–2,060**	**$2,061–2,747**	**$2,748–3,428**
11	**$0–743**	**$744–1,487**	**$1,488–2,231**	**$2,232–2,975**	**$2,976–3,717**
12	**$0–801**	**$802–1,603**	**$1,604–2,405**	**$2,406–3,207**	**$3,208–4,007**
13	**$0–859**	**$860–1,718**	**$1,719–2,578**	**$2,579–3,438**	**$3,439–4,296**
14	**$0–917**	**$918–1,834**	**$1,835–2,752**	**$2,753–3,670**	**$3,671–4,586**
15	**$0–975**	**$976–1,950**	**$1,951–2,926**	**$2,927–3,902**	**$3,903–4,875**
16	**$0–1,033**	**$1,034–2,066**	**$2,067–3,100**	**$3,101–4,134**	**$4,135–5,165**
17	**$0–1,091**	**$1,092–2,182**	**$2,183–3,274**	**$3,275–4,366**	**$4,367–5,454**
18	**$0–1,149**	**$1,150–2,298**	**$2,299–3,448**	**$3,449–4,598**	**$4,599–5,743**
19	**$0–1,207**	**$1,208–2,414**	**$2,415–3,622**	**$3,623–4,830**	**$4,831–6,033**
20	**$0–1,264**	**$1,265–2,528**	**$2,529–3,793**	**$3,794–5,058**	**$5,059–6,322**

*AUTHORITY: section 207.020, RSMo [1994] **2000**. Emergency rule filed Nov. 26, 1980, effective Dec. 6, 1980, expired March 11, 1981. Original rule filed Nov. 26, 1980, effective March 12, 1981. For intervening history, please consult the **Code of State Regulations**. Emergency amendment filed Sept. 21, 2001, effective Oct. 1, 2001, expires March 29, 2002. Amended: Filed Sept. 21, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Family Services, PO Box 88, Jefferson City, MO 65103. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program

PROPOSED AMENDMENT

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA). The division is adding section (9).

PURPOSE: The proposed amendment adds section (9). This amendment will establish the Federal Reimbursement Allowance (FRA) Assessment for SFY 2002 at 5.20%.

(9) Federal Reimbursement Allowance (FRA) for State Fiscal Year 2002. The FRA assessment for State Fiscal Year (SFY) 2002 shall be determined at the rate of five and twenty hundredths percent (5.20%) of the hospital's net operating revenues and other operating revenues defined in paragraphs (1)(A)12., and 13., as determined from information reported in the hospital's 1998 base year cost report. The SFY 2002 FRA Assessment shall be prorated as an estimate of the SFY 2003 FRA Assessment until such time as the regulation establishing the SFY 2003 FRA Assessment is effective.

*AUTHORITY: sections 208.201, 208.453[, RSMo 1994] and 208.455, RSMo [Supp. 1999] **2000**. Emergency rule filed Sept. 21, 1992, effective Oct. 1, 1992, expired Jan. 28, 1993. Emergency rule filed Jan. 15, 1993, effective Jan. 25, 1993, expired May 24, 1993. Original rule filed Sept. 21, 1992, effective June 7, 1993. For the intervening history, please consult the **Code of State Regulations**. Emergency amendment filed June 8, 2001, effective June 18, 2001, expires Dec. 8, 2001. Amended: Filed June 8, 2001. Amended: Filed Sept. 11, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate for SFY 2002.

PRIVATE COST: This proposed amendment is expected to cost private entities $389,999,017 in SFY 2002. A fiscal note containing details of the estimated cost of compliance is published with this proposed amendment.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 13 -- Department of Social Services

Division: 70 -- Division of Medical Services

Chapter: 15 -- Hospital Program

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 13 CSR 70-15.110 Federal Reimbursement Allowance (FRA)

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
131	Hospitals	$389,999,017

III. WORKSHEET

The fiscal note is based on establishing the SFY2002 FRA assessment percentage at 5.20%.

IV. ASSUMPTIONS

The SFY 2002 FRA assessment is based on net patient revenues and other operating revenue of approximately $7.5 billion multiplied by 5.20%. The 131 hospitals reported above include 41 hospitals that are owned or controlled by state, county, city or hospital districts. The impact on these hospitals is $52,473,122.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program

PROPOSED AMENDMENT

13 CSR 70-20.031 List of Excludable Drugs for Which Prior Authorization is Required. The division proposes to amend section (3).

PURPOSE: The Division of Medical Services is proposing to amend this rule by adding three drug or category of drug listings to allow those products to be reimbursable under the Missouri Medicaid Program only with prior authorization and clarifies the uses allowed for another listing.

(3) List of drugs or categories of excludable drugs which are restricted to require prior authorization for certain specified indications—

Drug or Category of Drug	**Allowed Indications**
Amphetamines	Attention Deficit Hyperactivity Disorder Narcolepsy **Hypersomnolence due to opioid/opiate analgesic therapy associated with advanced cancer pain**
Barbiturates (with the exception of phenobarbital and mephobarbital and methabarbital which do not require prior authorization)	All medically accepted uses
Isotretinoin	Noncosmetic uses
Itraconazole, oral	**Noncosmetic uses**
Orlistat	Dyslipidemia
Retinoic Acid, topical	Noncosmetic uses
Retinoid analogs, topical	**Noncosmetic uses**
Terbinafine, oral	**Noncosmetic uses**

*AUTHORITY: sections 208.153 and 208.201, RSMo [1994] **2000**. Original rule filed Dec. 13, 1991, effective Aug. 6, 1992. Amended: Filed May 15, 1992, effective Jan. 15, 1993. Amended: Filed March 1, 1996, effective Oct. 30, 1996. Amended: Filed May 27, 1999, effective Dec. 30, 1999. Emergency amendment filed Nov. 21, 2000, effective Dec. 1, 2000; expired May 29, 2001. Amended: Filed June 29, 2000, effective Feb. 28, 2001. Amended: Filed Sept. 14, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities in the aggregate less than five hundred dollars ($500) annually. Providers/practitioners are reminded that they are not entitled to Medicaid reimbursement for a service which they provide to the general public at no charge, including prior authorization services. The Surveillance and Utilization Review Subsystem Unit will closely monitor adherence to this program limitation.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled to be held for 10:00 a.m., November 27, 2001, in Conference Room 202, 615 Howerton Court, Jefferson City, Missouri.*

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: Department of Social Services

Division: Division of Medical Services

Chapter: Chapter 20 - Pharmacy Program

Type of Rulemaking: 13 CSR 70-20.031

Rule Number and Name: List of Excludable Drugs for Which Prior Authorization is Required.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,333		less than $500 annually

III. WORKSHEET

IV. ASSUMPTIONS

Provider shall not charge Medicaid for services rendered on a no-cost basis to the general public. If this assumption is not correct, the Division of Medical Services requests that providers send written documentation to:

Division of Medical Services
P.O. Box 6500
Jefferson City, MO 65102-6500
ATTN: Gregory A. Vadner

so that the fiscal note estimate can be amended in the Order of Rulemaking.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 20—Pharmacy Program

PROPOSED AMENDMENT

13 CSR 70-20.034 List of Non-Excludable Drugs for Which Prior Authorization is Required. The division is proposing to amend section (2).

PURPOSE: The Division of Medical Services is proposing to amend this rule by adding three drug or category of drug listings to allow these products to be reimbursable under the Missouri Medicaid Program with prior authorization.

(2) List of drugs or categories of drugs which are restricted to require prior authorization for certain specified indications—

Drug or Category of Drug	Allowed Indications
Abortifacients	Termination of pregnancy resulting from an act of rape, or incest or when necessary to protect the life of the mother
Brand name Non-Steroidal Anti-Inflammatory Agents, oral	**Medically accepted uses following acceptable trial of non-restricted alternatives**
Butorphanol, nasal spray	Override of quantity restriction allowed for medically accepted uses
Drugs used to treat sexual dysfunction	Sexual dysfunction
Histamine 2 Receptor Antagonists	Medically accepted uses
Human growth hormone products	**Unrestricted use by patients 18 years of age and younger and medically accepted uses for patients older than 18 years of age**
Ketorolac, oral	Short-term treatment of mod erately severe acute pain following injection of same entity
Linezolid, oral	Medically accepted uses
Modafanil	Narcolepsy
Non-sedating antihistamines	**Unrestricted use by patients 18 years of age and younger and medically accepted uses following acceptable trial of unrestricted alternatives for patients older than 18 years of age**
Proton Pump Inhibitors	Medically accepted uses

*AUTHORITY: sections 208.152, 208.153 and 208.201, RSMo [1994] **2000**. Emergency rule filed Nov. 21, 2000, effective Dec. 1, 2000, expired May 29, 2001. Original rule filed June 29, 2000, effective Feb. 28, 2001. Amended: Filed Sept. 14, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment is estimated to cost private entities in the aggregate less than five hundred dollars ($500) annually. Providers/practitioners are reminded that they are not entitled to Medicaid reimbursement for a service which they provide to the general public at no charge, including prior authorization services. The Surveillance and Utilization Review Subsystem Unit will closely monitor adherence to this program limitation.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Office of the Director, Division of Medical Services, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled to be held for 10:00 a.m., November 27, 2001, in Conference Room 202, 615 Howerton Court, Jefferson City, Missouri.*

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Department of Social Services
Title:

Division of Medical Services
Division:

Chapter 20 - Pharmacy Program
Chapter:

13 CSR 70-20.034
Type of Rulemaking:

Rule Number and Name: List of Non-Excludable Drugs for Which Prior Authorization is Required.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1,333		less than $500 annually

III. WORKSHEET

IV. ASSUMPTIONS

Provider shall not charge Medicaid for services rendered on a no-cost basis to the general public. If this assumption is not correct, the Division of Medical Services requests that providers send written documentation to:

Division of Medical Services
P.O. Box 6500
Jefferson City, MO 65102-6500
ATTN: Gregory A. Vadner

so that the fiscal note estimate can be amended in the Order of Rulemaking.

Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 13—Rules for the Establishment of a Missouri No-Call Database

PROPOSED AMENDMENT

15 CSR 60-13.060 Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to the Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database. The attorney general is amending subsection (1)(B).

PURPOSE: This amendment to 15 CSR 60-13.060(1)(B) increases the amount persons or entities desiring to access the no-call database will pay for access to the whole database from twenty-five ($25) per quarter to twenty-five ($25) per quarter for each Missouri area code. But, the amendment also allows persons or entities desiring to access only certain parts of the no-call database, by area code, to do so by paying the prescribed fee. Finally, the amendment clarifies that the copy the attorney general will provide them will be on computer disk, and it corrects a syntactical error.

(1) A person or entity desiring to make telephone solicitations to residential subscribers residing or living in Missouri may obtain a copy of the no-call database for his, her or its lawful use, or for the lawful use by his, her or its employees, or for the lawful use by his, her or its independent contractors for use in their business, so long as the independent contractor is regularly associated with the person or entity and is engaged in the same or related type of business as the person or entity, by doing the following:

(B) Submitting the signed confidentiality agreement along with payment in *[the]* **an** amount *[of]* **equal to twenty-five dollars (**$25**)** per quarter **for each Missouri area code** to the Attorney General's Office *[of]* **for** providing *[the]* **a computer disk** copy of the no-call database. **Those persons or entities desiring to obtain access to only part of the no-call database may do so by submitting the signed confidentiality agreement along with a request designating by area code the portion or portions of the no-call database they desire and providing payment in the amount of twenty-five dollars ($25) per quarter per area code to the Attorney General's Office for providing a computer disk copy of the requested portion of the no-call database.**

AUTHORITY: section 407.1101, RSMo 2000. Original rule filed Sept. 28, 2000, effective March 30, 2001. Amended: Filed Feb. 28, 2001, effective Aug. 30, 2001. Emergency amendment filed Sept. 14, 2001, effective Oct. 1, 2001, expires March 29, 2002. Amended: Filed Sept. 14, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately seventy-eight thousand six hundred dollars ($78,600) in the aggregate during FY 02, and approximately three hundred fourteen thousand four hundred dollars ($314,400) annually thereafter.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Attorney General, Jeremiah W. (Jay) Nixon, c/o Ronald Molteni, Assistant Attorney General, PO Box 899, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 15 - Elected Officials

Division: 60 - Attorney General

Chapter: 13 - Rules for the Establishment of a Missouri No-Call Database

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 15 CSR 60-13.060 - Methods by Which a Person or Entity Desiring to Make Telephone Solicitations Will Obtain Access to Database of Residential Subscribers' Notices of Objection to Receiving Telephone Solicitations and the Cost Assessed for Access to the Database.

II. SUMMARY OF FISCAL IMPACT

Estimated number of entities which would likely be affected by the adoption of the proposed rule:	**Classification by types of the business entities which would likely be affected:**	**Annualized estimate in the aggregate as to the cost of compliance with the rule by the affected entities:**
524 *	* Home improvement, alarm companies, funeral homes/monument companies, long distance phone companies, local exchange phone companies, suppression list companies, information companies, heating and cooling, mortgage companies, insurance agents, real estate companies, stockbrokers, magazine publishing and direct marketing corporations, carpet cleaners, chiropractors, car dealers, vacation/travel related companies, resort/time share companies, roofing and remodeling, insurance-health/life, financial organizations, certified public accountants, window companies, hearing aid companies, bottled water companies, photography, Internet service providers, for-profit companies representing handicapped/disabled, credit cards, satellite TV/cable companies, credit card protection companies, fine arts/orchestra, dance clubs, appliance repairs company, gambling organizations, Tupperware/Mary Kay/special utensils, lawn care, newspapers, voice mail/beeper services.	$ 314,400

* The numbers set out in the summary of Fiscal Impact regard the annual cost for the life of the rule. The numbers cannot be estimated with greater specificity than contained in this fiscal note because business entities often vary their operating practices. The cost in the aggregate could exceed $500 but are unquantifiable. The fiscal note serves notice to businesses that utilize telephone solicitations that they may incur costs which will vary greatly dependent upon their use of telephone solicitations. For purposes of this amendment we have drawn on the Attorney General's Office experience in the first two months of operation of the no-call database and assumed that all subscribers would elect to subscribe to the entire no-call database. There are currently six area codes used in Missouri. The high water mark so far has been 524 subscribers to the no-call database. The actual cost could be significantly less if small businesses who conduct telephone solicitations within their own area code alone subscribe to receive only a portion of the no call database.

III. WORKSHEET

Type of costs per entity	**FY 02**	**FY 03**	**FY 04**	**FY 05**
Database acquisition cost	$ 150	$ 600	$ 600	$ 600
Implementation of database by business entity	*	*	*	*
Exclusion determination process	**	**	**	**
Totals per entity	$ 150***	$ 600***	$ 600***	$ 600***
Totals for all affected entities	$78,600***	$314,400***	$314,400***	$314,400***

Businesses using telephone solicitations should expect annual costs after FY 05 for the life of the rule as set out in FY 05.

*1. As indicated in the Assumptions, this cost is impossible to determine without knowing the business set-up, but is expected to be a nominal cost.

**2. As indicated in the Assumptions, this cost is impossible to determine without knowing the business set-up, but is expected to be a nominal cost.

***3. Includes any charges in the implementation of the database and exemption determination process.

IV. ASSUMPTIONS

1. All business entities who use telephone solicitations are required to obtain and use the no-call database for their business operations. The annual cost of obtaining the entire database is $150/quarter or $600/year. The business entities are required to use the list as of July 1, 2001. The business entities will be assessed the yearly fees FY 02.

2. Determining the number and types of entities affected by these rules cannot be estimated with greater precision than appear herein because the rule could apply to any business entity that uses telephone solicitations. Additionally, the needs of specific businesses will change and so will the use of telemarketing. In an effort to provide information to all the potential entities impacted, we have drawn on our early experience in operating the no-call database. Missouri has had a high of 524 entities subscribing to obtain the database on a quarterly basis. Missouri currently uses six area codes.

3. The second portion of potential costs consists of the implementation of the database into its daily operations. Each business entity will exercise its own control on how to use the database. For that reason, the cost of implementation, if any, will vary and cannot be estimated with greater specificity than appears in this fiscal note. The remaining cost issue is the determination of whether a particular entity will incur costs to determine its exemption status. Again, what entities will use "telephone solicitations" will vary greatly. For this reason, though each entity's cost may be nominal, aggregate costs are not quantifiable with greater specificity than appears within this fiscal note. The database acquisition and implementation costs will be annual charges recurring in perpetuity. The exemption process should be a one time charge, assuming no change in a business entity's business practice. The annual costs commenced in FY 01 and continue for the indefinite life of the rule.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.015 Administration and Command of the Private Security Section. The board is amending sections (1)–(3).

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the board of police commissioners relating to licensed security officers.

(1) Board of Police Commissioners. The St. Louis Board of Police Commissioners (referred to as the board) is established by state statute and consists of five (5) members, four (4) of whom are appointed by the governor. The mayor of the City of St. Louis serves as *exofficio* **member**. The board has sole charge and control of the metropolitan police department of the City of St. Louis and of the licensing, regulation and discipline of all **corporate security advisors,** private security officers, private watchmen and couriers in the City of St. Louis. Private detectives are licensed by the license collector's office of the City of St. Louis, not by the board of police commissioners. The board relegated that responsibility to the city license collector's office.

(2) Private Security Section. The private security section is responsible for the interviewing, investigating, processing, licensing, inspection and supervision of all persons working or acting as licensed security officers or any other variety of titles in the City of St. Louis. The private security section is further responsible for issuing and transferring all such licenses, for reinstatements, for periodic inspection of license holders, for liaison with all suppliers of security personnel in the city, for maintenance of a personnel file on all applicants in the City of St. Louis and for publishing, within the department, information of all terminations of employment of security personnel. The private security section also conducts background investigations on private detective/investigator applicants as requested by the license collector's office. **A processing fee for these background investigations will be charged by the private security section to all applicants for a private investigator's license.** The decision to issue a license is made by the license collector's office.

(3) Private Security Personnel. The St. Louis Metropolitan Police Department Private Security Program has *[three (3)]* **four (4)** distinct classifications of personnel. A definition of each classification is listed as follows:

(A) Corporate security advisor. A person employed to provide all services rendered by a private security officer, as well as other specialized corporate security services related to the protection of his/her employer's/principal's resources and personnel. A licensed corporate security advisor may carry a firearm and protective devices in accordance with the guidelines established in these rules. S/he shall be authorized to exercise the same police powers granted to private security officers while on his/her employer's/principal's property. However, the corporate security advisor's power and authority shall not be restricted to that property, but shall be coextensive with the geographic limits of the City of St. Louis (as defined in 17 CSR 20-5.055);

[(A)] **(B)** Private security officer. A person employed with certain police powers (as defined in 17 CSR 20-2.065) to protect life or property on or in designated premises. **Generally,** *[T]***t**he private security officer's powers exist only within the established property owned or leased by the contracting employer and to incidents occurring on the premises. The private security officer may carry a firearm providing this individual is qualified (as defined in 17 CSR 20-2.055). Authorization to carry a firearm is designated on the badge/identification *[(ID)]* card. The private security officer, whether armed or unarmed, may carry a *[slapper,]* baton, nightstick, *[aerosol tear gas]* **pepper mace** and handcuffs **after training requirements have been satisfied**;

[(B)] **(C)** Courier. A person employed to carry out the assignment of protecting and transporting property from one designated area to another. The person shall be in an approved military style uniform. The courier has no power of arrest. The courier may carry a firearm provided this individual is qualified (as defined in 17 CSR 20-2.055). Authorization to carry a firearm is designated on the badge/*[ID]* **identification** card; and

[(C)] **(D)** Private watchman. A person employed without police powers and without authorization to carry weapons or protective devices. This individual will perform the tasks of observation and reporting on or in a licensed premise**s** or designated area. This may include patrolling the public street. The private watchman has a distinctive grey, military **style** uniform. The private watchman has no power of arrest. Note: Only the private security officer and private courier classifications will be permitted to hold two (2) licenses. Each classification is licensed separately and functions as a distinct entity. (This licensing does not include the private watchmen classification.)

*AUTHORITY: section 84.340, RSMo [1986] **2000**. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed June 28, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention: Sgt. Michael Frederick, Private Security Section, Tower G, Room 330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

17 CSR 20-2.025 Definitions. The board is amending sections (3), (5), (7) and (8), adding new sections (9) and (11); and renumbering and amending sections (10), (12), (13), (14), and (15).

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the board of police commissioners relating to licensed security officers.

(3) Badge/**identification** *[ID]* card—A card that is issued to security personnel bearing a picture of, and information about, the person to whom the card is issued.

(5) Designated area—The established property owned or leased to which a licensed security person is assigned by his/her employer or contracting company. **Generally**, *[T]***t**he authority of a **private** security *[person]* **officer** exists only within this designated area and applies only to incidents occurring within that area. **This includes the term "licensed premises."**

(7) Hot pursuit—*[The]* **Non-vehicular** pursuit of suspects for on-view felonies only. **Vehicular pursuits are not permitted.**

(8) License—The document which is issued to *[each of the]* licensed security personnel by the board of police commissioners authorizing the holder to perform specific security duties in the City of St. Louis as designated by *[his/her]* **their** license. **The "Metro" license currently issued allows the holder to perform security duties in St. Louis County as well as in the City of St. Louis.**

(9) Licensed premises—Refer to definition of "designated area."

[(9)] **(10)** Protective devices—*[The only approved instruments used for personal protection are slapper,]* **Instruments approved for personal protection—**baton, nightstick, *[aerosol tear gas]* **pepper mace** and handcuffs. **Training is required before these items may be carried on duty.**

(11) Resignation—The voluntary inactivation of a security license by the individual holding that license.

[(10)] **(12)** Revocation—The *[inactivating]* **inactivation** of a license by the board of police commissioners *[for just cause]* **in accordance with the rules and procedures set out herein.**

[(11)] **(13)** Suspension—The temporary *[suspension]* **inactivation** of a license pending an administrative investigation *[determined]* **and review** by the board of police commissioners.

[(12)] **(14)** Termination—The *[inactivating]* **inactivation** of a license through resignation, cancellation, expiration or revocation.

[(13)] **(15)** Weapons—Instruments used as protective devices, as listed in section *[(9)]*, **(10)** including a firearm, *[slapper,]* baton, nightstick, *[aerosol tear gas]* **pepper mace** and handcuffs**.**

AUTHORITY: section 84.340, RSMo [1986] 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed June 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention: Sgt. Michael Frederick, Private Security Section, Tower G, Room 330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.035 Licensing. The board is amending sections (2)–(4) and (6)–(9), and deleting the form that follows this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the board of police commissioners relating to licensed security officers.

(2) Standards. Each applicant for a license to work as a private security officer in the City of St. Louis shall meet the standards set by the board of police commissioners, which require that an applicant—

(E) Not be licensed as a private security officer and *[a private detective at the same time]* **private detective or a process server in any state at the time of application for a license**;

(G) *[Who has served time on active or reserve duty in any of the Armed Forces of the United States must be in possession of an Honorable Discharge or a General Discharge Under Honorable Conditions. An Undesirable Discharge, a Discharge Under Dishonorable Conditions or a Discharge Other than Honorable Conditions will disqualify the applicant;]* **Has received an Honorable Discharge or a General Discharge Under Honorable Conditions, when applicable. An Undesirable Discharge, a Discharge Under Dishonorable Conditions or a Discharge Under Other Than Honorable Conditions will disqualify the applicant;**

(J) Be able to pass a character investigation by this department **as indicated through criminal record check**;

(M) Never have had a security license revoked **or denied** by another jurisdiction for a criminal law violation;

(3) Issuance/Denial of License. When an applicant has successfully completed the requirements set by the board of police commissioners, the board will issue a license. An applicant may be denied a license for any of the following reasons:

(B) Falsifying information on any of the forms provided by the private security section to establish eligibility. Applicants who falsify *[those]* **such** documents shall be ineligible to receive a private security officer license and cannot re-apply for at least six (6) months from the date the false *[information]* **application** was submitted;

(D) The references*[,]* **and/or** employment background records*[, or both,]* indicate a poor or unsatisfactory character or work record;

(E) Any facts or actions which make the applicant unsuitable or ineligible for licensing; *[and]*

(F) Resigned under investigation, resigned under charges or was discharged *[from the police force of the City of St. Louis]* **from any police force; and**

(G) Has been denied a security license by any agency.

(4) Notification of License Denial. Applicants and their employers **will**, in event of license denial, *[will]* be given a written notification **of the denial**. Specific reasons will be given to an applicant who appears in person at the office of the private security section. Applicants may appeal, in writing, to the board of police commissioners within thirty (30) days of denial notification. The appeal should contain a brief rebuttal of the reasons for denial. The board of police commissioners will then notify the applicant, in writing, of its final decision in the matter.

(6) Temporary License. If an applicant appears to meet the standards for licensing, the commander of the private security section may issue a temporary license. This permits the applicant to work until a formal license is issued by the board.

(B) A holder of a temporary badge/*[ID]* **identification** card must wear the card at the breast of the outermost garment while on duty and must be attired in an approved military style uniform.

(C) A holder of a temporary license who transfers employment to another agency must return his/her temporary badge/*[ID]* **identification** card to the private security section for issuance of a new badge/*[ID]* **identification** card.

(D) A holder of a temporary license must return the temporary badge/*[ID]* **identification** card to the private security section at the time the formal license is issued.

(7) Secondary Employment License. *[A second license]* **Additional licenses** may be approved by the board of police commissioners and issued by the private security section to a private security officer who *[—]***/wishes to work for more than one (1) employer.**

(A) *[Works for a private entity (employer) and wants to take a second job working for a second private entity (employer); or]* **A private security officer desiring a second license must present a letter of intent-to-hire from the secondary employer.**

[(B) Is licensed to a security agency and also desires to work in a secondary job for a private employer.

1. A second license will not be issued to allow a security officer to work at two (2) security agencies.

2. A private security officer desiring a second license must present a letter of permission from the first (primary) employer and a letter of intent to hire from the (secondary) employer; and]

*[(C)]***(B)** A St. Louis Police Department computer inquiry will be made on each private security officer applying for a secondary license. If this inquiry reveals an open arrest record within the previous year, s/he will be required to obtain a certified copy of the final court disposition or a report from the circuit or prosecuting attorney. If the case is still open, the secondary license process will not be completed until final disposition is obtained.

(8) License Renewals. A private security officer's license is valid for one (1) year from date of issue and it must be renewed in the month it expires.

(B) A private security officer wishing to renew his/her license must report to the private security section in the month the license expires, bringing—

[1. The license which is about to expire;]

[2.] **1.** A letter from his/her employer requesting renewal;

[3.] **2.** Badge/*[ID]* **identification** card; and

[4.] **3.** The fee for the renewal.

(C) If firearms-qualified, the private security officer wishing to renew a license must *[schedule for]* **provide proof of** requalification through an approved firearms course. **The private security officer must also submit a urine specimen for drug testing according to the provisions of these rules and regulations.**

(D) A license not renewed during the month it was issued automatically expires **on the last day of the month** unless the holder has applied to the commander of the private security section and received an extension of time. **Such extension will be noted with a sticker on the license. This sticker will indicate the adjusted expiration date of the license.**

(E) Applicants for license renewal will be required to annually attend a renewal training program consisting of seven (7) hours training in selected security subjects and departmental regulations.

(9) License Transfer. A license holder may work only for the company, agency or business entity named on the license. A license holder who changes employers *[must make sure that the new employer is named on the license]* **must transfer his/her license to the new employer before he/she begins working for the new employer**. In order to transfer a license from one *[(1)]* employer to another, the license holder must appear in person at the private security section and—

(A) Bring a current dated letter **issued** (no more than ten (10) days prior to application) from the new employer, addressed to the board of police commissioners, outlining the duties of the new job and requesting the transfer of license;

(B) Bring in license and badge/*[ID]* **identification** card;

(D) Will receive a new badge/*[ID]* **identification** card and license to the new company; and

AUTHORITY: section 84.340, RSMo [1986] 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed June 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention: Sgt. Michael Frederick, Private Security Section, Tower G, Room 330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.045 Personnel Records and Fees. The board is amending sections (1) and (2).

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the board of police commissioners relating to licensed security officers.

(1) Personnel Records. The private security section will maintain the personnel records of each license holder. *[This]* **Such** record, and all information pertaining to the individual, shall be the property of the private security section. Applicants and license holders are personally responsible for immediately notifying the private security section of any change in name, address, telephone number or employer.

(2) Fees. The board of police commissioners will establish, from time-to-time, a set of fees for various services provided by the private security section. The schedule of fees is posted in the private security section office. *[Fees are not returnable, except on the day they are paid.]* **No fees will be refunded for any reason after the date of application and must be paid in full at the time of application.**

AUTHORITY: section 84.340, RSMo [1986] 2000. Original rule filed April 1, 1988, effective July, 1988. Amended: Filed June 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention: Sgt. Michael Frederick, Private Security Section, Tower G, Room

*330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.055 Training. The board is amending sections (1), (2) and (4)–(8).

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the board of police commissioners relating to licensed security officers.

(1) Exemptions. Applicants with prior law enforcement experience or accepted training shall be required to successfully complete only the firearms qualification. **Full-time state certified police officers and retired St. Louis City police officers will be exempt from the basic classroom training. They must still complete the firearms training.**

(2) Length and Content. The **classroom** training period consists of *[three (3)]* **two (2)** days. *[Within that period, seven (7) hours are devoted to firearms training, responsibility and liability.]* **The length and subject matter of the class is to be determined by the board.** Classroom activities consist of selected *[police]* **security** subjects and departmental regulations.

(4) Final Test. Each applicant must take a written test on the subject matter presented in class and must attain a passing score of at least seventy percent (70%).

(B) A second failure will cause the applicant to be *[disqualified]* **ineligible** for licensing**.** *[for a one (1)-year period from the date of the second examination. After this period, the applicant may reapply for licensing.]* **The applicant will be supplied with all training materials and allowed to take the basic class in thirty (30) days at his/her expense. Upon successful completion of the subsequent training and test, the applicant will be issued a license.**

(5) Firearms Qualification. On the firing range an applicant must display the ability to safely and properly handle his/her revolver and must achieve a score at or above the standards established by the board of police commissioners.

(A) An applicant who displays an inability to handle a revolver safely and properly will be disqualified from carrying a *[sidearm]* **firearm**.

(B) An applicant who does not attain the minimum score on the firing range will *[be given two (2) additional opportunities to qualify. The retest time will be determined by the department armorer]* **not be issued an armed license**.

(6) Unarmed Private Security Officer License. An applicant who does not wish to have an armed license or**,** who cannot attain the minimum required score on the firing range**,** may be issued a restricted license allowing him/her to work as *[an unarmed licensed]* **a** private security officer **without a firearm**.

(7) Training Fee. A *[nonrefundable]* training fee established by the board of police commissioners must be paid *[before an applicant is enrolled in a training session]* **at the time of application**.

(8) Oath **or Affirmation**. Prior to issuance of his/her license, the applicant must swear *[to uphold]* **or affirm** the following:

*I DO SOLEMNLY SWEAR **OR AFFIRM** that I am a citizen of the United States, or a legal resident alien, that I will faithfully support the **Constitution of the United States**, the Constitution and Laws of the State of Missouri, and the Charter and City Ordinances of the City of St. Louis; that I have never been discharged from the police force of the City of St. Louis; that I have never been convicted of a felony; that I have no physical or mental disability or habit that disqualifies me from performing the duties of a Private Security Officer; that I will wear such dress, badge[/ID] **identification** card or emblem as the Board of Police Commissioners **may** from time-to-time [may] designate; that I will, to the best of my skill and ability, diligently and faithfully, without partiality or prejudice, discharge my duties according to the Constitution and Laws of the State of Missouri and Charter and Ordinances of the City of St. Louis; that I will strictly obey all lawful orders and regulations of the Board of Police Commissioners of the City of St. Louis, the Chief of Police, or any officer placed by them over me; that I will not cease to perform my duties until my resignation is accepted by the Board of Police Commissioners; that I will not become a member of, or affiliate myself with, any organization of any kind or character whatsoever, membership in which will or may impose upon me obligations inconsistent with the full performance of my duties as a Private Security Officer, or inconsistent with the oath herein taken to carry out the orders of the Board of Police Commissioners and to comply with its lawful orders, rules and regulations, or which will or may, in any degree interfere with the performance of my duties as a licensed security officer.*

*AUTHORITY: section 84.340, RSMo [1986] **2000**. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed April 16, 1990, effective June 28, 1990. Amended: Filed June 28, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention: Sgt. Michael Frederick, Private Security Section, Tower G, Room 330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.065 Authority. The board is amending sections (1) and (2).

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the board of police commissioners relating to licensed security officers.

(1) Authority. Private security officers have the authority to make an arrest and to search for and seize evidence in connection with the arrest, at the location**,** and during the time of their assignments,

under the same conditions as members of the police force *[—]* **of the City of St. Louis as outlined below:**

(C) For an offense not committed in the presence or view of the security officer, when s/he has probable cause to believe that the offense was committed by the person s/he is arresting; *[and,]*

(D) Off his/her licensed premises when in hot pursuit for an on-view felony *[is involved]*. (An on-view felony offense is *[an]* **a felony** offense the security officer sees committed*[.]*)**;**

(E) Off his/her licensed premises, but only within a two (2) block radius of said premises, unless expressly approved by the private security section, and while escorting employer's employees and visitors from said premises to their parked vehicles or other means of transportation;

(F) Off his/her licensed premises but only while escorting employer or employer's designee, by the most direct route, to and/or from a bank or other financial institution for the purpose of making a cash deposit or withdrawal; and

[(E)] **(G)** The authority granted private security officers **herein** is limited *[to designated areas only, and does not include such services]* **and said limitations shall be strictly construed. It does not permit private security officers to serve** as bodyguards, *[escort,]* process servers or *[investigative service for lawyers engaged in criminal or civil activity]* **investigators for attorneys**. Operators of security agencies *[engaged in security service]* should be aware of these restrictions *[and the consequences of a violation.]* **and should also be aware that violation thereof** *[Involvement in those activities]* could result in the suspension or revocation of a private security officer's license by the board of police commissioners.

(2) Arrests. An arrest is made by the actual restraint of the defendant or by his/her submission to the authority of the private security officer.

(A) *[No more force is to be used than necessary for overcoming resistance and only the minimum force necessary to effect an arrest is permissible.]* **In making an arrest a private security officer should use only as much force as is reasonably required to achieve his/her lawful objective. Deadly force may never be used in defense of property only.**

(C) Police officers from other jurisdictions, including St. Louis City marshals and St. Louis deputy sheriffs, who are serving or acting as private security officers do not possess police powers at the location of their assignments in the City of St. Louis unless licensed by the Board of Police Commissioners of the City of St. Louis.

*AUTHORITY: section 84.340, RSMo [1986] **2000**. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed June 28, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention: Sgt. Michael Frederick, Private Security Section, Tower G, Room 330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.075 Duties. The board is amending section (1).

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the board of police commissioners relating to licensed security officers.

(1) Duties. It is the duty of every licensed security officer*[to—]***:**

(A) **To** *[O]***o**bserve and obey these regulations and to obey all lawful orders of any commissioned St. Louis police officer in all matters involving the need for police services;

(B) **To** *[A]***a**ssist St. Louis police officers in preserving the peace or in taking **such** other action as may be necessary to effect an arrest at the location**,** and during the time**,** of his/her assignment;

(C) **To** *[C]***c**ooperate with St. Louis police officers in the performance of their duties.

1. Participation by licensed private security officers, on **duty** or off duty, in police action where police officers are on the scene, shall be limited to identifying themselves to the officer(s) and offering assistance.

2. The judgement of the officer(s) shall prevail in any situation where police are present. They are responsible for the proper handling and reporting of the incident in accordance with departmental policies.

3. Failure to cooperate with a St. Louis police officer may be cause for disciplinary action against a licensed private security officer.

4. Failure to assist a law enforcement agency or to aid in prosecution of a crime may be cause for disciplinary action against a licensed private security officer; and

(D) **To** *[N]***n**otify the St. Louis Police Department when an arrest has been made by the private security officer, to furnish all pertinent facts and evidence to any police officer(s), and to surrender to *[the]* **such** officer(s) custody of any prisoner **and any evidence related to the arrest**. A report of the incident will then be made by the police in the same manner as in other arrests.

*AUTHORITY: section 84.340, RSMo [1986] **2000**. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed June 28, 2001.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention: Sgt. Michael Frederick, Private Security Section, Tower G, Room 330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.085 Uniforms. The board is amending sections (1)–(4).

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the board of police commissioners relating to licensed security officers.

(1) *[The Board of Police Commissioners ruled that by January 1, 1990 no private security uniforms will resemble those of the St. Louis police officers.]* **No private security uniforms may resemble those of St. Louis police officers.** The light blue shirt with dark blue jacket and trousers will not be duplicated. In addition, a company shoulder patch will be mandatory on all shirts, coats and jackets of private security personnel**, clearly identifying them as employees of that agency**.

(2) All private security officers should be aware of the following guidelines:

(A) All private security officers are required to wear a uniform, which, at a minimum, shall consist of trousers or skirt, and shirt or blouse*[, and uniform cap]*. **The word "police" will not be displayed anywhere on the private security officer's uniform. This extends to police officers from other jurisdictions while working as security officers in the City of St. Louis**;

(B) All couriers wearing blue uniform trousers, skirts, shirts and jackets similar to those worn by the St. Louis Police Department must have their company shoulder patch affixed to either the left or right sleeve, approximately one inch (1") below the shoulder seam, clearly distinguishing them from *[a]* St. Louis police officers;

(C) The badge/identification *[(ID)]* card issued by the private security section of the St. Louis Metropolitan Police Department will be worn on the breast of the outermost garment**, in plain view,** while on duty and performing a *bona fide* security function for an employer;

(D) Security personnel may wear a company badge or emblem as devised by their employer. These badges and emblems bear the name of the employer and identify the individual as a private security officer. The *[name]* **word "**police**"** will not be used on the badge or emblem;

(G) The use of company vehicles for security purposes must conform with the established rules governed under city ordinance. The *[name]* **word "**police**"** will not be displayed on the vehicles.

(3) Exemption from Wearing Uniform. *[In rare instances, the board of police commissioners may exempt a licensed private security officer, upon written application by his/her employer, from the wearing of a uniform, the insignia, or both, provided by the board. This exemption may be granted upon a showing in writing by the employer that the wearing of the uniform or insignia hinders the efficient performance of security duties by the employee.]* **The board of police commissioners may exempt a licensed private security officer from wearing a uniform and/or displaying the department-issued badge/identification card while on duty. Such exemption must be requested by the employer in writing. Each licensed private security officer receiving exemption from the requirement of wearing a uniform may, during the period of the exemption, perform his/her duties as specified on the identification card. The identification card showing that the security officer has a uniform exemption must be carried while the security officer is on duty.**

(A) All letters requesting exemption from the wearing of a uniform or insignia, including proof of need, shall be addressed to the commander*[,]* **of the** private security section by *[his/her]* **the** employer of the security officer.

(B) A uniform exemption identification will expire on the same date *[as]* the holder's license expires. To renew the exemption, a new letter of request shall be submitted to the commander of the private security section by *[his/her]* **the** employer **of the security officer**.

(4) *[Uniform Exemption Conduct. Each licensed private security officer receiving exemption from the requirement of wearing a uniform during the period of the exemption, may perform his/her duties, armed or unarmed, as specified in the ID card. If armed, s/he possesses the privilege granted uniformed private security officers of carrying an authorized loaded firearm on his/her person while traveling in either direction between place of residence and place of assignment by the most direct route. The same time limitation, of one (1) hour, is to be observed. The ID card granting the exemption must be carried by security personnel while on duty.]* **Armed Uniform Exemption. In rare instances the board of police commissioners may exempt an armed licensed private security officer, upon written application from his/her employer, from wearing a uniform and/or insignia provided by the board. The employer must show, in writing, that the wearing of a uniform or insignia hinders the efficient performance of security duties by the employee. These requests will be reviewed by the board of police commissioners. Note: A security officer receiving this exemption may perform his/her duties as specified on the identification card and may carry an authorized, loaded firearm on his/her person while performing security duties for the employer subject to the rules and regulations established by the board of police commissioners. A security officer licensed under these conditions is not authorized to carry the weapon on his/her person while traveling in either direction between place of residence and place of assignment and must unload the weapon and transport it according to existing laws and ordinances.** Violation of any of these provisions renders the offender subject to penalties which can include license revocation.

AUTHORITY: section 84.340, RSMo [1986] 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed June 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention: Sgt. Michael Frederick, Private Security Section, Tower G, Room 330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.095 Equipment. The board is amending sections (1)–(3).

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the board of police commissioners relating to licensed security officers.

(1) Equipment Issue. At the conclusion of the training period and upon final approval by the board of police commissioners, each

private security officer shall receive from the private security section one (1) badge/identification *[(ID)]* card, *[one (1) license]* and one (1) security officer's manual. These items are, and remain, departmental property. They must be returned to the private security section by any private security officer who resigns, is suspended, or has his/her license revoked.

(2) Equipment Responsibility. *[Each licensee deposits a fee for the department-issued badge/ID card and license. The fee is refundable to any security officer when his/her period of service ends, provided that the license is not revoked. During employment it is the responsibility of the security officer to care for and safeguard this departmental property.]* **During their employment it is the responsibility of security officers to care for and safeguard departmental property issued to them.**

(A) *[After the cost has been determined, all issued items of departmental property lost, stolen, damaged or destroyed must be replaced by the licensee.]* **All issued items of departmental property lost, stolen, damaged or destroyed must be replaced by the licensee.**

(B) The loss of any item must be immediately reported to the private security section. No formal police report is required. The private security officer then becomes responsible for appearing at the private security section *[to obtain and pay]* **and paying** for a replacement.

(C) Careless handling of *[departmental]* **St. Louis Police Department** property **by a security officer** may be *[subject to]* **grounds for** disciplinary action.

(3) Badge/*[ID]***Identification** Card. The badge/*[ID]***identification** card which is issued by the private security section to a licensed private security officer is an easily recognized symbol of authority and responsibility.

(A) The badge/*[ID]***identification** card, which is stamped with an issue date and an expiration date, *[also]* will **also** state whether the holder may be armed or must work unarmed. **The card will also indicate if the private security officer is authorized to carry a baton or nightstick.**

(B) This badge/*[ID]***identification** card must be worn over the breast on the outermost garment **in plain view**. It must be returned to the private security section upon resignation, suspension**, cancellation** or revocation of the license.

AUTHORITY: section 84.340, RSMo [1986] 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed June 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention: Sgt. Michael Frederick, Private Security Section, Tower G, Room 330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.105 Weapons. The board is amending sections (1), (2), (4)–(8) and adding a new section (5).

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the Board of Police Commissioners relating to licensed security officers.

(1) Limitations *[On]* **o**n Carrying Weapon. *[A]* **An armed** private security officer licensed by the St. Louis Board of Police Commissioners may be permitted to carry on his/her person**,** an authorized firearm**,** while traveling in either direction by the most direct route (without deviation and/or not to exceed one (1) hour) between his/her residence and place of assignment provided s/he is—

(2) Private security officers who are authorized to carry their firearms to and from their place of residence have no authority to use their firearms during that travel period.

(A) Except as provided above, a firearm and protective devices may only be carried by a security officer while on his/her licensed premises.

(B) A firearm and protective devices may not be carried off assigned premises for any nonduty related activities (lunch, fueling cars, personal relief, etc.).

(4) Inspection and Registration. All firearms used by private security officers must be inspected by the department armorer **or his/her designee** and must be registered and on file in the private security section. **Armed security officers may only use a duty weapon which is personally owned by them, or owned by their agency.**

(B) Private security officers must carry double action .38 Special caliber revolvers. The carrying of any other caliber weapon, including automatics, derringers, .357 Magnums and shotguns is prohibited. **Only factory loaded, commercially available ammunition may be carried.**

(C) **For armed, uniformed security officers**, *[T]***t**he firearm shall be exposed and worn on a belt at the waist. No other methods such as a shoulder holster, ankle holster, **etc.,** shall be permitted in uniform.

(D) *[The firearm shall be worn on a belt at the waist.]* **For armed security officers on uniform-exempt status the firearm shall be worn on a belt at the waist**. No other methods, such as a shoulder holster, ankle holster, **etc.,** shall be permitted for uniform-exempt status.

(E) Private security officers are required to annually requalify with their firearms during the month of license renewal**, and at six (6)-month intervals.**

(5) Requirements for Police Officers from Other Jurisdictions Carrying Duty Weapons. Police officers from other jurisdictions working as security officers in the City of St. Louis may be permitted to carry their department duty weapon upon satisfying the following requirements:

(A) The officer must be a full-time employee of his/her agency and must submit a letter to the private security section from his/her department indicating that the officer is a full-time commissioned officer;

(B) The officer must be certified by his/her respective state with a minimum of six hundred (600) hours training at a state approved academy. A copy of the certification must be presented to the private security section at the time of application for the security license;

(C) The officer must present a letter from his/her department indicating the make, model and serial number of the weapon that they are allowed to carry while working for their department;

(D) The officer must present a letter from his/her department indicating a policy that requires the officer to requalify with the duty weapon a minimum of twice each year;

(E) The firearm must be approved by our department armorer and the armorer must indicate that the weapon has been approved and prepare a letter indicating approval of the weapon; and

(F) All other part-time police officers and reserve officers from other jurisdictions are required to carry a .38 caliber revolver while working security within the City of St. Louis and are required to successfully complete the firearms training program mandated by the board of police commissioners.

[(5)] **(6)** Discharge of Firearms. A private security officer may not discharge a firearm in the performance of his/her duties (other than for practice or training at a firing range or similar authorized location) except when—

(A) Reasonably necessary to protect him/herself or another from death or serious bodily harm*[; or]*. **Note: Security officers are not permitted to discharge their weapons to destroy any injured or dangerous animal unless their safety or the safety of a third party is directly threatened.**

[(B) A suspect resists to a degree that poses a threat to the life or body safety of the private security officer or others.]

[(6)] **(7)** Shots Fired Report. *[Upon firing his/her weapon, a]* **A** private security officer**, upon firing his/her weapon and/or** using force to make an arrest, shall notify the nearest police district and have an official police report prepared. The reporting officer will see that a copy of the police report is forwarded to the commander of the private security section.

[(7)] **(8)** Safety First Rules for Gun Handling. The licensed private security officer is responsible at all times for his/her weapon whether in or out of his/her possession. The following rules must be learned and obeyed:

(A) All weapons must be treated with the caution and respect due a loaded gun. Most accidents occur with a weapon thought to be unloaded;

(B) The weapon should be checked for ammunition each time it is handled;

(C) The barrel and action must be clear of obstruction before using the weapon;

(D) The weapon must be kept in good working condition;

(E) The weapon should not be drawn or pointed at any person unless the situation justifies *[that]* **such** action;

(F) When the weapon is unattended, it must be safe from children and curious people; and

(G) Ammunition carried on duty must be new factory-service ammunition. No reloads or wad cutter ammunition is permitted.

*[(8)]***(9)** Nonlethal Weapons. Private security officers may only carry the following nonlethal defensive weapons or equipment:

(A) *[Leather pocket baton or slapper]* **Pepper mace (o.c. spray), after completion of approved training**;

(B) *[Aerosol tear gas dispenser]* **Handcuffs, after completion of approved training**;

(C) *[Baton or night stick]* **Metal baton not more than twenty-six inches (26") long when fully extended and not weighing more than twenty-one (21) ounces, after completion of approved training**; and

(D) *[Handcuffs]* **Wooden nightstick not more than twenty-six inches (26") long and not weighing more than twenty-one (21) ounces, after completion of approved training**. **Note: private security officers and corporate security advisors will only be authorized to carry an impact weapon after they have received training by board approved instructor. It is the responsibility of the employer to provide board approved training in the proper use of this equipment. An agency has the right to determine which of these items may be carried by its licensed security employees.**

AUTHORITY: section 84.340, RSMo [1986] 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed June 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention: Sgt. Michael Frederick, Private Security Section, Tower G, Room 330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.115 Field Inspection. The board is amending sections (2), (3), and (4).

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the Board of Police Commissioners relating to licensed security officers.

(2) Field Inspections. All private security officers are subject to inspection by officers from the St. Louis Metropolitan Police Department. The purpose of *[this]* **such** inspection is to insure that the license holder is in compliance with the provisions of this rule. *[This]* **Such an** inspection will determine that *[the license holder—]***:**

(A) **The license holder** *[H]***h**as in his/her possession a proper badge/identification *[(ID)]* card issued by the St. Louis Board of Police Commissioners;

(B) **The license holder** *[I]***i**s wearing a full uniform when carrying an exposed firearm; and*[;]*

(C) **The license holder** *[H]***h**as not disregarded or deviated from the manual.

(3) Failure to Cooperate. Failure by any license holder to cooperate with a commissioned member of the St. Louis Police Department**,** *[in the inspection procedures]* **or with personnel assigned to the private security section in the performance of their official duties,** will constitute grounds for disciplinary action.

(4) Arrest of License Holder. During an inspection, if a license holder has been arrested for a felony, a misdemeanor or an infraction involving moral turpitude or license violation, the holder's badge/*[ID]***identification** card will be seized and forwarded to the private security section of the St. Louis Police Department with a

copy of the arrest report. The license holder is to be informed that s/he is suspended and not to continue to work until the matter is resolved by the private security section. If arrested for a felony violation, a formal suspension number will be obtained in the normal manner. The private security section will conduct any necessary investigation or make notification to the jurisdictional agency.

AUTHORITY: section 84.340, RSMo [1986] 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed June 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention: Sgt. Michael Frederick, Private Security Section, Tower G, Room 330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.125 Complaint/Disciplinary Procedures. The board is amending sections (3), (5) and (6), deleting section (8) and renumbering section (9).

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the board of police commissioners relating to licensed security officers.

(3) Suspension. In instances where a private security officer is arrested for a felony **or a serious misdemeanor**, the commander or watch commander of the district or any officer acting in that capacity will **administratively** suspend the private security officer.

(A) In instances where a private security officer is arrested for a crime or ordinance violation, not a felony, and depending on the situation, the commander or watch commander of the district or any officers acting in that capacity has the choice of **administratively** suspending the private security officer or contacting the commander of the private security section, who will determine whether or not the private security officer is to be suspended. If unable to contact the commander of the private security section, the report of the incident will be forwarded to the private security section at the earliest opportunity.

(B) Whenever a licensed private security officer is **administratively** suspended it will be required that the private security officer surrender his/her badge/*[ID]***identification** card until a decision is made for its return by the commander of the private security section or a disposition is rendered by the board of police commissioners.

(C) Where no warrant is issued **and**/or no cause for discipline is apparent, *[or both,]* the private security officer's return to duty is to be determined by the commander of the private security section.

(5) Notification/Appeal. Whenever the license of a private security officer is suspended or revoked by the board of police commissioners, the private security section shall notify the licensee in writing of the action. **This notice will be mailed to his/her last address of record.** The licensee shall have ten (10) days from the date of *[posting notice]* **mailing notice at his/her last address of record** to request a review of the disciplinary action. The request shall be directed in writing to the commander of the private security section. The request shall state additional supporting facts in his/her defense, **and**/or rebuttal of the board of police commissioner's decision*[, or both]*.

(A) The commander of the private security section may meet with the licensee and discuss his/her request for review*[,]* **and/or** shall conduct a further investigation of the disciplinary case*[, or both]*.

(B) The commander **of the private security section**, within thirty (30) days of appeal, *[shall render a decision affirming or reversing the original disciplinary action. The commander shall then send his/her decision and report to the board of police commissioners for final action]* **shall submit the appeal in a report to the board of police commissioners for final action.**

(C) Judgments and decisions of the board concerning appeals in disciplinary matters are final **and once the board has ruled, the matter is permanently closed**.

(6) Disciplinary Action*[,]* **and/or** Punishment*[, or both]*.

(B) Licensed security personnel, whether on or off duty, are subject to disciplinary action for violations of these rules. Offenses may include, but not be limited to, the following:

1. Conviction of a felony, misdemeanor or city ordinance;
2. Intoxication or drinking on duty;
3. Possession or illegal use of narcotic or potent drugs (controlled substance);
4. Assumption of police authority when not on duty;
5. Conduct contrary to the public peace and welfare;
6. Interference with any police officer engaged in the performance of his/her duties:
7. Overbearing or oppressive conduct during the performance of duty;
8. Failure to obey a reasonable order by an officer of the St. Louis Metropolitan Police Department;
9. Any conduct or actions which might jeopardize the reputation or integrity of the St. Louis Metropolitan Police Department or its members;
10. Failure to comply with the **firearm** restrictions *[of a firearm]*, while traveling in either direction, without deviation between their residences and places of assignment by the most direct route (not to exceed one (1) hour);
11. Carrying any weapon other than a .38 Special caliber revolver while performing the duties of a private security officer;
12. Failure to have a weapon inspected by the department armorer *[or]* **and/or his/her designee**, not having a record of this weapon on file with the private security section*[, or both]*;
13. Carrying more than one (1) authorized revolver on duty;
14. Failure to wear a valid badge/*[ID]***identification** card issued by this department on the breast of the outermost garment of security uniform, while on duty;
15. Failure to have in possession a badge/*[ID]***identification** card *[or]* authorizing uniform exemption *[letter]* while working in civilian attire;
16. Serving or acting as a licensed private security officer for any agency or *[other]* business entity other than the one listed on his/her badge/*[ID]***identification** card;
17. Failure to conform to uniform requirements;
18. Working as a licensed security person while under suspension;
19. Carrying a firearm concealed or otherwise in civilian attire *[without a uniform exemption letter or]* **and/or** not

actually engaged in providing a *bona fide* security function at the time*[, or both]*;

20. Carrying or using a firearm while performing the duties of a licensed private security officer when not firearms qualified;

21. Any conduct constituting a breach of security or confidence;

22. Neglect of duty;

23. Failure to notify the private security section when and if arrested on any charge;

24. Failure to aid in prosecution;

25. Defacing or altering the badge/*[ID]***identification** card; *[and]*

26. Carrying unauthorized non-lethal weapons **and**/or protective devices*[, or both.]***;**

27. Using unnecessary force in effecting an arrest or discourteous treatment or verbal abuse of any person;

28. Submitting a urine specimen which tests positive for controlled substances;

29. Failure to maintain on file at the private security section a current address and telephone number;

30. Failed to surrender badge/identification card to the private security section when license has been suspended;

31. Failure to cooperate in an investigation conducted by the private security section;

32. Identifying himself/herself as a police officer; and

33. Engaging in a vehicular pursuit.

[(8) When a license is ordered revoked by the board of police commissioners, the badge/ID deposit fee will be forfeited to the board. Licensed private security officers who are under investigation by this department for any alleged violations of any rules will be allowed the discretionary resignation of their commission and in these instances will have the badge/ID deposit fee refunded, provided all department-issued equipment is surrendered in the private security section.]

*[(9)]***(8)** Individuals who resign while under investigation will not be considered for a license in the future.

AUTHORITY: section 84.340, RSMo [1986] 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed June 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention: Sgt. Michael Frederick, Private Security Section, Tower G, Room 330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.135 Drug Testing. The board is amending sections (1) and (2).

PURPOSE: This rule is being amended in order to update and more clearly reflect the rules and policies of the board of police commissioners relating to licensed security officers.

(1) Applicability. The following shall apply to all individuals seeking certification in any **security** category *[of armed]***, including corporate security advisor,** security officer, **courier,** as well as to all individuals seeking renewal or reinstatement of certification:

(A) Any individual seeking certification as an armed security officer or any individual seeking reinstatement of certification, shall submit to urinalysis testing before certification is granted, renewed or reinstated. This testing shall be for the purpose of determining the presence or absence of illegal drugs. Refusal to comply with this requirement shall result in the denial of certification, renewal of certification *[of]* **or** reinstatement of certification as an armed security officer**, corporate security advisor or courier**;

(B) If the results of an individual's urinalysis test are positive, that is**,** indicative of the presence of illegal drugs in the sample, the following penalties shall apply:

1. If the individual is an applicant for initial *[certification]* **licensing**, s/he shall be denied *[certification]* **a license** and shall not be permitted to reapply for a period of one (1) year;

2. If the individual is an applicant for renewal of *[certification]* **a license**, his/her *[certification]* **license** shall be suspended and *[shall not be renewed for a period of one (1) year; and]* **an investigation conducted. The results of the investigation will be forwarded to the board of police commissioners. The board may revoke a license for one (1) year based on a positive drug screen;**

3. If the individual is an applicant for reinstatement of *[certification]* **license**, reinstatement shall be denied for a period of one (1) year; **and**

4. A second positive drug test will permanently exclude the applicant from holding a security license;

(D) The confirmatory testing method to be used shall be Gas Chromatography Mass Spectroscopy (GCMS). No applicant shall be denied *[certification]* **a license**, renewal of *[certification]* **a license** or reinstatement of *[certification]* **a license** on the basis of a positive result on the EMIT test, unless that result is first confirmed by GCMS;

(F) The expense of the drug test shall be borne by the individual requesting **an** armed *[certification]* **license** or renewal as an armed security officer. All expenses associated with urinalysis testing shall be borne by the individual seeking *[certification]* **the license**, or reinstatement of *[certification]* **a license** as an armed security officer;

(G) A portion of each sample taken pursuant to this rule shall be preserved and, upon request, be made available to the applicant from whom it was taken for the purpose of contesting the results of the analysis performed pursuant to subsections (1)(C)–(E) of this rule. The expense*[s]* of any analysis *[made by an applicant]* for the purpose of contesting the results shall be borne entirely by the applicant**. Procedures for contesting the results of a drug analysis shall be determined by the private security section and made available on request**; and

(H) Any request made by an applicant for the preserved portion of a sample must be made within thirty (30) days of the applicant's receipt of notification of denial of *[certification]* **a license**, renewal or reinstatement because of failure to pass urinalysis testing.

(2) Laboratory and Testing Procedures. *[The]* **Security officers and** couriers *[may employ]* **will use** the laboratory **under contract with the Board of Police Commissioners for collections and analyses of specimens. The testing laboratory will comply with all the provisions of this regulation including the following:** *[of his/her choice for analysis of specimens; provided,*

that the laboratory is reputable and is operating within the statutes, laws, ordinances or guidelines established by Missouri and any county or municipality of this state to govern or control those facilities; and further that the laboratory complies with all of] the provisions of this regulation as follows:

(C) The collection process must include procedures to adequately insure:

1. That the specimen is correctly identified as coming from the donor/examinee;

2. That the specimen cannot be altered or tampered with after it has been collected;

3. That there is a documented chain of custody with respect to the sample;

4. That laboratory results are accurately identified with the particular specimen on which the analysis has been performed;

5. That procedures are instituted to rule out a positive analysis based upon the presence of over-the-counter or prescription drugs in the urine of the examinee;

6. That procedures are instituted to rule out positive analysis based upon the presence of contraband drugs in the urine which presence could have been derived in a manner other than by direct ingestion or intravenous injection; and

7. That procedures are instituted to insure the confidentiality of laboratory results and that positive results are made known only to those individuals, institutions, corporations, governmental agencies or other entities or their agents who have been granted the privilege of disclosure under the terms and conditions of *[this agreement]* **these rules** only for the purpose of carrying out the sole intent of this regulation;

(E) Laboratory results must be delivered via the *[United States mail, postage prepaid, to the]* **collection agency's computer and the printer housed at the (United States mail, postage prepaid, to)** Metropolitan Police Department, Private Security Section.

AUTHORITY: section 84.340, RSMo [1986] 2000. Original rule filed April 16, 1990, effective June 28, 1990. Amended: Filed June 30, 1992, effective Feb. 26, 1993. Amended: Filed June 28, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Police Commissioners of the City of St. Louis, Attention Sgt. Michael Frederick, Private Security Section, Tower G, Room 330, 7600 Oakland Avenue, St. Louis, MO 63110. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title *[13]19*—DEPARTMENT OF *[SOCIAL SERVICES] HEALTH AND SENIOR SERVICES*
Division 15—Division of *[Aging] Senior Services*
Chapter 7—*In-Home* Service Standards

PROPOSED AMENDMENT

***[13]19* CSR 15-7.021 In-Home Service Standards**. The director of the Division of Senior Services is amending sections (1)–(4), (6)–(8), (12), (14)–(19) and (21)–(24); and adding new sections (5) and (20). The division is also deleting the following forms, which appear at the end of the rule in the *Code of State Regulations*: LTACS Client Report, form number MO 866-1165; Provider Communication, form number MO 866-1157 and Supervisory Monitoring/Delivery Log, form number MO 866-2232.

PURPOSE: This amendment revises the criteria for in-home service providers who contract with the division, including language as required by new legislation.

(1) The Department of *[Social]* **Health and Senior** Services **(also referred to as the department),** Division of *[Aging's]* **Senior Services' (also referred to as the division)** payment to the provider is made on behalf of an eligible client as an act of indirect or third-party reimbursement and is not made as a payment for the purchase of a service. *[However, o]***O**nly those services authorized by the *[D]***d**ivision *[of Aging]* shall be reimbursable to the provider.

(2) The in-home service provider shall deliver services in compliance with the standards set forth in this rule **and 13 CSR 70-91.010 Personal Care Program, 13 CSR 70-3.020 Title XIX Provider Enrollment, and 13 CSR 70-3.030 Sanctions for False and Fraudulent Claims for Title XIX Services**.

(3) Failure of the **in-home service** provider to comply with the terms of the contract and these standards may constitute a breach of contract.

(4) In accordance with the protective service mandate (Chapter 660, RSMo), the *[D]***d**ivision *[of Aging]* may take immediate action to protect clients from providers who are found to be out of compliance with the requirements of this rule and of any other rule applicable to the in-home services program, when such noncompliance is determined by the *[D]***d**ivision *[of Aging]* to create a risk of injury or harm to clients.

(A) Evidence of such risk may include:

1. *[u]***U**nreliable**,** *[or]* inadequate**, falsified, or fraudulent** *[provider]* documentation of service*[s]* **delivery** or training *[due to falsification or fraud]*;

2. *[the provider's f]***F**ailure to deliver services in a reliable and dependable manner; *[or]*

3. *[u]***U**se of in-home service workers who do not meet the minimum **employment requirements or** training standards of this rule*[.]***;**

4. Failure to comply with the requirements for background screening of employees (sections 660.315, RSMo and 660.317, RSMo); or

5. Discontinuing services outside the provisions specified in section (16) of this rule without the knowledge and consent of the client for a period of one (1) week or three (3) consecutive scheduled service delivery dates, whichever is shorter.

(B) Immediate action may include, but is not limited to:

[(A)] **1.** Removing the provider from any list of providers, and for clients who request the unsafe and non*[complainant]***compliant** provider, informing the clients of the determination of noncompliance after which any informed choice will be honored by the *[D]***d**ivision *[of Aging]*; or

[(B)] **2.** Informing current clients served by the provider of the provider's noncompliance and that the division has determined the provider unable to deliver safe care. Such clients will be allowed to choose a different provider from the list maintained by the *[D]***d**ivision *[of Aging]* which will then be immediately authorized to provide service to them.

(5) The division will not consider any proposal for an in-home services contract and subsequent enrollment as a Medicaid personal care provider under 13 CSR 70-91.010(3) unless the proposal is fully completed, properly attested to or affirmed by

a person with the expressed authority to sign the proposal, and contains all required attachments.

(A) The proposal shall be made in the exact legal name of the applicant for a contract. The attachments to the proposal shall include, but are not limited to the following information/copies:

1. Federal tax identification number;

2. Most recent corporate annual registration report filed with the Missouri secretary of state (if applicable);

3. Certificate of Good Standing issued by the Missouri secretary of state (if applicable);

4. Fictitious name registration filed with the Missouri secretary of state (if applicable);

5. Corporation by-laws, if the applicant is a corporation;

6. Operating agreement and management agreement, if applicable, if the provider is a limited liability company; and

7. Certificate of Insurance evidencing the coverage described in subsection (18)(F) of this rule, naming the division as a certificate holder.

(B) Upon receipt of a proposal, the division will conduct whatever investigation which, in the division's discretion, is necessary to determine the applicant's eligibility for a contract. The decision determining eligibility for a contract may include, but is not limited to, the conduct of the provider and principals of the provider during any prior contractual periods.

(C) Prior to the issuance of an initial contract, a site visit will be conducted for in-home service providers entering the program after July 1, 2001.

[(5)] **(6)** Respite care services are maintenance and supervisory services provided to a client in the individual's residence to provide temporary relief to the *[usual]* caregiver(s) **that normally provides the care**.

(A) Respite care services shall include, at a minimum, the following activities:

[(A)] **1.** Supervision—The respite care worker will provide personal oversight of the client for the duration of the service period. Personal oversight includes making a reasonable effort to assure the safety of the client and to assist the client in meeting his/her own essential human needs. Sleeping is permitted when the client is asleep**, provided there is no indication that the condition of the client would pose a risk if the client awoke while the respite care worker was sleeping**. The worker must be in close proximity to the client during a sleeping period;

[(B)] **2.** Companionship—The worker will provide companionship during the client's waking hours and attempt to make the client as comfortable as possible; and

[(C)] **3.** Direct *[C]***c**lient *[A]***a**ssistance—The worker will provide direct client assistance as needed to meet needs usually provided by the regular caregiver.

(B) Basic respite care services are provided to clients with non-skilled needs.

[(6)] **(C)** Advanced respite care services are maintenance and supervisory services provided to a client with *[special]* **non-skilled** needs *[in]* that **require specialized training** *[individual's residence for the purpose of temporary relief to a caregiver who lives with the client]*.

1. Clients appropriate for this service include persons with special needs**, requiring a higher level of personal oversight** *[approved]* **as determined** by the *[D]***d**ivision *[of Aging]*. *[The advanced respite care services are similar to those specified in subsections (5)(A), (B) and (C); however, the client's requirements for personal oversight are higher.]*

[(A)] **2.** An initial on-site evaluation of the client's condition and identification of special training needs for the advanced respite care worker shall be made by the provider RN prior to initiation of service.

[(B)] **3.** A monthly nurse visit will be authorized for each advanced respite care client for each month advanced respite care is authorized. *[This]* **During the** visit **the nurse** will evaluate **and document** the **client's condition and** adequacy of the *[authorized services to meet the needs and condition of the client.]* **care plan**.

[(C)] **4. Although monthly visits may be performed by a licensed nurse,** *[F]***f**or clients receiving ongoing advanced respite care services, it is required that **the** on-site visit*[s]* **be conducted** by an RN *[be conducted]* at six (6) month intervals. *[During these visits, the RN shall conduct an evaluation of the client's condition and the adequacy of the care plan.]*

(D) Nurse respite care services are maintenance and supervisory services provided to a client with special skilled needs. Nurse respite care services are provided to relieve a caregiver who lives with the client.

1. Clients appropriate for this service include persons with special needs as determined by the division.

2. An initial on-site evaluation of the client's condition and identification of special training needs for the nurse respite care worker shall be made by the provider RN prior to initiation of service.

3. For clients receiving ongoing nurse respite care services, it is required that an on-site evaluation be conducted by an RN at six (6) month intervals. The RN evaluation shall document the client's condition and the adequacy of the care plan.

(7) Homemaker services are general household activities provided by a trained homemaker when the client is unable to manage the home and care for him/herself or others in the home or when the individual (other than the client) who is regularly responsible for these activities is temporarily absent. Homemaker services shall include, at a minimum, the following activities:

(J) Wash inside windows and clean *[venetian]* blinds that are within reach without climbing;

(M) Perform essential errands (for example, *[obtain food stamps,]* pick up medication, post mail, etc.);

(8) Optional homemaker services are household tasks necessary to maintain a safe and habitable home environment provided intermittently as needed by a trained homemaker. Optional homemaker services include the following activities:

(H) Wash inside windows, clean blinds, or both, which require climbing; *[and]*

(I) Bag outside trash*[.]***; and**

(J) Outside maintenance including lawn mowing, raking or snow removal.

(12) Authorized nurse visits are skilled nursing services of a maintenance or preventive nature provided to clients with stable chronic conditions. They are provided at the client's residence and prior-authorized by the *[D]***d**ivision *[of Aging]* case manager. These services are not intended primarily as treatment for an acute health condition. Authorized nurse visit services may be provided by a licensed practical nurse **(LPN)** under the direction of a registered nurse **(RN)**. Regulations for authorized nurse visits are filed at 13 CSR 70-91.010.

(14) Prior to approval by the division for a**n** *[Division of Aging funded]* in-home services contract and subsequent enrollment as a Medicaid personal care provider under 13 CSR 70-91.010(3), in addition to the contract, after August 1, 1998, all providers must—

(B) Ensure that the designated manager successfully completes (or has completed) a *[D]***d**ivision *[of Aging]* provider certification course offered (quarterly or as needed) *[in a central location]* at no charge. Attendees shall be responsible for their own expenses, including but not limited to travel, meal and lodging costs they may incur in attending this course;

(D) *[Once approved, providers are required to cooperate with the division to require]* **Ensure the designated** managers *[to attend the certification course if the division requires attendance to improve operations of providers found to be substantially noncompliant.]* **successfully complete the division's certification course annually.**

(15) Clients shall be accepted for care on the basis of a reasonable expectation that the client's maintenance care needs can be met adequately by the agency in the client's place of residence. Services shall follow a written state-approved *[service]* **care** plan developed in collaboration with and signed by the client.

(A) The *[service]* **care** plan shall consist of an identification of the services and tasks to be provided, frequency of services, the maximum number of units of service per month, functional limitations of the client, nutritional requirements if a special diet is necessary, medications and treatments as appropriate, any safety measures necessary to protect against injury and any other appropriate items.

(B) A new in-home assessment and *[service]* **care** plan may be completed by the *[D]***d**ivision *[of Aging]* as needed to redetermine the need for in-home services or to adjust the monthly amount of authorized units. In collaboration with the client, the provider agency may develop a new or revised set of service tasks, and weekly schedule for service delivery which shall be forwarded to the *[D]***d**ivision *[of Aging]*. The service provider must always have, and provide services in accordance with, a current *[service]* **care** plan. Only the *[D]***d**ivision *[of Aging]*, not the service provider, may increase the maximum number of units for which the individual is eligible per month.

(16) **To ensure safety and welfare of clients,** *[T]***t**he following policies and procedures *[for]* **shall be followed when** discontinuing in-home services *[shall be followed]*:

(A) Services for a client shall be discontinued by a provider *[agency under the following circumstances:]*

[1. When] **upon receipt of information that** the client's case is closed by the *[D]***d**ivision *[of Aging]*;

[2.] **(B)** When the provider learns of circumstances that **may** require *[the closure of a]* **closing the** case: *[for reasons including, but not limited to,]* **(for example,** death, entry into a nursing home, client no longer needs service*[.]***, etc.**), *[In these circumstances,]* the provider shall notify the *[D]***d**ivision *[of Aging]* case manager in writing and request that the client's services be discontinued;

(C) When the client, family member, or other person living in the household, threatens or abuses provider personnel, the provider shall immediately notify the division case manager by telephone and in writing including information regarding the threat(s) or abusive acts; or

[3.When the client is noncompliant with the agreed upon plan of care. Noncompliance requires persistent actions by the client or family which negate the services provided by the agency. After all alternatives have been explored and exhausted, the provider shall notify the Division of Aging case manager in writing of the noncompliant acts and request that the client's services be discontinued;]

[4. When the client or client's family threatens or abuses the in-home service worker or other agency staff to the point where the staff's welfare is in jeopardy and corrective action has failed. The provider shall notify the Division of Aging case manager of the threatening or abusive acts and may request that the service authorization be discontinued;]

[5. When a provider is unable to continue to meet the maintenance needs of a client. In these circumstances, the provider shall notify the Division of Aging case manager in writing and request that the client's services be discontinued; or]

[6.] **(D)** When a **client is noncompliant with the agreed upon care plan or the** provider is unable to continue to meet the *[maintenance]* needs of a client **still in need of assistance,** *[whose plan of care requires advanced personal care or advanced respite services. In these circumstances,]* the provider shall *[provide]* **contact the division case manager and client (including the caregiver or family when appropriate). The provider shall give** written notice of discharge to the client or client's family and the *[D]***d**ivision *[of Aging]* case manager at least twenty-one (21) days prior to the date of discharge. During this twenty-one (21)-day period, the *[D]***d**ivision *[of Aging]* case manager shall make appropriate arrangements with the client for transfer to another agency, *[institutional placement or other appropriate]* **or arrange for care in another** care **setting**. *[Regardless of circumstances, t]***T**he provider must continue to provide care in accordance with the *[plan of]* care **plan** for these twenty-one (21) days or until alternate arrangements can be made by the case manager, whichever comes first.

[(B) Discontinuing services for a client still in need of assistance shall occur only after appropriate conferences with the Division of Aging case manager, client and client's family.]

(17) A unit of in-home service is one (1) hour *[(sixty (60) minutes)]* of direct service provided to the client in the client's home by a trained in-home service worker, including time spent on completing documentation of service units provided and obtaining the client's signature. No units are reimbursed except as authorized by the *[D]***d**ivision *[of Aging]*.

(B) *[Partial units are reimbursable as follows:]*

[1.] For monthly invoicing purposes, *[units and]* partial units of a particular service provided in the course of the month *[shall be added together and billed in whole units with no rounding up to the next whole unit when totaling units for each client]* **may be accumulated over the billing cycle**;

*[2.] [P]***p**artial units *[may]* **shall not** be accumulated *[over the billing cycle, but are not reimbursable in a subsequent month or billing cycle; and]* **or carried over to the next month's billing cycle.**

[3. Partial units may not be carried over to the next month.]

(D) Nurse respite care is authorized as a four (4) hour block of service, per unit.

[(D)] **(E)** The monthly invoice submitted to the *[D]***d**ivision *[of Aging]* for in-home service shall not exceed actual delivered units of services.

(18) The in-home service provider shall meet, at a minimum, the following administrative requirements:

(B) Successfully contact at least two (2) **credible** references for each employee within thirty (30) calendar days of the date of employment. **The term "credible** *[R]***r**eferences**"** shall *[be]* **mean** former employers or other knowledgeable persons, excluding relatives of the employee. The documentation shall include the name of the employer and the individual giving the reference, the date, the response given when the reference was obtained by telephone and the signature of the person receiving the reference;

(C) Monitor a current copy of the *[D]***d**epartment**'s** *[of Social Services']* Employee Disqualification List to ensure that no current or prospective employee's name*[, who is in direct contact with clients,]* appears on the list and *[take the appropriate action]* **discharge any such employee** once it is discovered by the provider that the employee is on the Employee Disqualification List;

(D) Have the capability to provide service outside of regular business hours, on weekends and on holidays as authorized by the *[D]***d**ivision *[of Aging]*;

(E) Protect the *[D]***d**epartment *[of Social Services]* and its employees, agents or representatives from any and all liability, loss, damage, cost and expense which may accrue or be sustained by the *[D]***d**epartment *[of Social Services]*, its officers, agents or employees as a result of claims, demands, costs, suits or judgments against it arising from the loss, injury, destruction or damage, either to person or property, sustained in connection with the performance of the in-home service;

(F) *[Maintain bonding coverage and personal and property liability insurance coverage on all employees who are connected with the delivery and performance of in-home services in the client's home;]* **Maintain a commercial general liability insurance policy in full force and effect that covers all places of business and any and all clients, customers, employees and volunteers. Such policy shall be an occurrence policy and shall provide coverage for no less than one (1) million dollars per event and three (3) million dollars aggregate and shall include coverage for negligent acts and omissions of the provider's employees and volunteers in the provision of services to clients in such clients' homes. Such policy shall name the division as a certificate holder. Providers shall also maintain a professional liability insurance policy in full force and effect that covers all places of business and any and all clients, customers, employees and volunteers. Such policy shall provide coverage for no less than one (1) million dollars per event and three (3) million dollars aggregate and shall include coverage for negligent acts and omissions of the provider's employees and/or volunteers in the provision of professional services to clients in such clients' homes. Such policy shall name the division as a certificate holder. The policies shall be coordinated to ensure coverage for all negligent acts and omissions in the provision of the in-home services described in this rule and in 13 CSR 70-91.010, by the provider's employees and volunteers. Additionally, providers shall maintain an employee dishonesty bond covering employees and volunteers who are connected with the delivery and performance of in-home services in the client's home;**

(G) Furnish adequate identification (ID) to employees of the provider. This ID shall be carried by the employee *[and presented to the client upon request]* **in a way that the client can see the name of the agency with whom the aide is employed**. A permanent ID including the provider's name, employee's name and title shall be considered adequate ID. At the time of employment, an ID shall be issued which will meet the ID requirement. The provider shall require the return of the ID from each employee upon termination of employment;

(I) Notify the *[D]***d**ivision's *[of Aging]* central office and regional manager of any changes in location, telephone number, administrative or corporate status;

(J) Have and enforce a written code of ethics which is distributed to all employees and clients. The code of ethics shall allow use of the bathroom facilities, and, with the client's consent, eat lunch*[,]* provided by the worker, in the client's home. The code of ethics shall **be reviewed with the client, caregiver or family when appropriate, and** include, at a minimum, the following prohibitions:

1. Use of client's car;
2. Consumption of client's food or drink (except water);
3. Use of client's telephone for personal calls;
4. Discussion of own or other's personal problems, religious or political beliefs with the client;
5. Acceptance of gifts or tips;
6. Bringing other persons to the client's home;
7. Consumption of alcoholic beverages, or use of medicine or drugs for any purpose, other than medical, in the client's home or prior to service delivery;
8. Smoking in client's home;
9. Solicitation or acceptance of money or goods for personal gain from the client;
10. Breach of the client's privacy and confidentiality of information and records;
11. Purchase of any item from the client even at fair market value;
12. Assuming control of the financial or personal affairs, or both, of the client or of his/her estate including power of attorney, conservatorship or guardianship;
13. Taking anything from the client's home; and
14. Committing any act of abuse, neglect or exploitation;

(K) **Ensure prompt initiation of authorized services to new clients. The provider shall** *[D]***d**eliver the in-home service within seven (7) calendar days of receipt of the service authorization from the *[D]***d**ivision *[of Aging]* case manager or on the beginning date specified by the authorization, whichever is later, and on a regular basis after that in accordance with the *[service]* **care** plan. The date of receipt must be recorded on each service authorization by the provider. **Verbal authorizations shall be effective upon acceptance by the provider and services must begin as agreed.** If service is not initiated within the required time period, detailed written justification must be sent to the *[D]***d**ivision *[of Aging]* case manager with a copy maintained in the client's file;

(L) Recommend, **verbally or** in writing, *[if]* **changes to the authorized care plan any time** the client has an ongoing need for service activities which may require more or fewer units than the amount specified in the *[service]* **care** plan *[, that the plan of care be revised. Either the in-home services worker or the supervisor shall make this recommendation]*;

(M) Keep documentation of undelivered service**s, including the** *[by client. The]* reason for this failure to deliver authorized units *[shall be recorded in this documentation]*;

(N) Be aware that in-home service**s** provided shall not be reimbursed unless authorized in writing by the *[D]***d**ivision *[of Aging]*;

(O) Ensure that all subcontractors comply with all standards **required by section (2) of this rule**;

(P) Shall give a written statement of the client's rights *[to]* **and review the statement with** each client and primary caregiver, when appropriate*[,]* at the time service is initiated**.** *[, which includes,]* **The statement of client rights must contain** at a minimum, the right to:

1. Be treated with respect and dignity;
2. Have all personal and medical information kept confidential;
3. Have direction over the services provided, to the degree possible, within the **care** plan *[of care]* authorized;
4. Know the provider's established grievance procedure and how to make a complaint about the service and receive cooperation to reach a resolution, without fear of retribution;
5. Receive service without regard to race, creed, color, age, sex or national origin; and
6. Receive a copy of the provider's code of ethics under which services are provided;

(Q) Have a system through which clients may present grievances concerning the operation of the in-home service program **and/or delivery of care**;

(R) Report all instances of potential abuse, neglect, exploitation of a client, or any combination of these, to the *[D]***d**ivision's *[of Aging]* Elder*[ly]* Abuse *[and Neglect]* Hotline (1-800-392-0210), including all instances which may involve an employee of the provider agency;

(S) Copayment, as determined by the *[D]***d**ivision**'s** *[of Aging]* case manager, shall be collected monthly from non-Medicaid clients. Liability levels for copayment are based on a sliding fee

schedule *[on the Client Assessment form or other documentation]* as determined by the *[D]***d**ivision *[of Aging]*. The money collected as copayment replaces the amount withheld from reimbursement by the automated payment system. Prompt and reasonable attempts to collect from the client, the client's guardian or estate shall be made by the provider. Failure *[to collect]* **of clients to submit the required** copayment, when determined to be a condition of participation, shall be reported to the *[D]***d**ivision *[of Aging]*. Failure **of clients** to comply with copayment requirements may result in termination of services. Unsuccessful attempts to collect from the estate of a deceased client are to be referred to the home and community *[based]* services deputy director of the *[D]***d**ivision *[of Aging]*;

(T) Implement a contribution system which accounts for contributions received from clients for in-home services. **Non-Medicaid** *[C]***c**lients shall be informed of their right to voluntarily contribute *[no more than quarterly and no less than every six (6) months.]* **when they are admitted for services**. Services shall not be denied to any client based on failure to make a contribution. *[Monthly reporting]* **Reports of contributions** by county shall be made to each home and community services regional manager *[of contributions]* **including the** balance on hand**,** *[at the beginning of the month,]* contributions received, contributions used for *[D]***d**ivision *[of Aging]* authorized services**,** and *[month]* ending balance**. The provider shall submit to the regional manager, a contribution report at the end of any month in which contributions are received and/or expended**;

(U) Understand that both program and fiscal monitoring of the in-home service program shall be conducted by the *[D]***d**ivision *[of Aging]* or its designee.

1. Monitoring visits may be announced or unannounced*[;]***.**

2. The division shall disclose the findings of the visit to the provider.

3. Upon request by the division, the provider shall submit a written plan for correcting areas found to be out of compliance;

(V) *[Shall not solicit, nor cause to be solicited, through agents or employees of the in-home service provider, any person to become a client if that person is currently receiving services from any provider authorized by the Division of Aging. Solicitation means seeking out or initiating contact with another provider agency's clients, in person or by mail, for the purpose of persuading them to choose another provider. Solicitation, as used in this subsection, does not include media advertising directed toward the general public; nor does it include presentations to the general public, organizations or other interested groups regarding the services available; and]* **Designate trainer(s) to perform the sessions required as part of the basic training. The designated trainer(s) may be the RN, LPN, supervisor, or an experienced aide who has been employed by the provider agency at least six (6) months. A list of designated trainers must be available for monitoring; and**

(W) Providers must establish, enforce and implement a policy whereby all contents of the personnel files of its employees are made available to *[D]***d**epartment *[of Social Services]* employees or representatives when requested as part of an official investigation of abuse, neglect, financial exploitation, misappropriation of client's funds or property, or falsification of documentation which verifies service delivery.

(19) In-home service providers shall meet, at a minimum, the following personnel requirements:

(A) The in-home provider shall employ an RN or designate an RN as a consultant, who meets each of the following qualifications:

1. Currently licensed in Missouri;

2. Have at least one (1)-year verifiable experience with direct care of the elderly, disabled, or infirm;

3. Meet the RN supervisory requirements for personal care and advanced personal care in accordance with 13 CSR 70-91.010;

*[(A)]***(B)** A supervisor shall be designated by the provider to supervise the day-to-day delivery of in-home service *[Each supervisor shall meet the]* **who shall be at least twenty-one (21) years of age and meet at least one (1) of the** following requirements:

[1. Be at least twenty-one (21) years of age; and]

[2.] **1.** Be a registered nurse who is currently licensed in Missouri**;** or

2. Possess a baccalaureate *[have at least a bachelor of science or bachelor of arts]* degree; *[or be a licensed practical nurse who is currently licensed in Missouri]* with at least one (1) year of **paid** experience *[with the]* **providing** direct care *[of]* **to** the elderly, disabled and/**or** infirm; or

3. Be a licensed practical nurse who is currently licensed in Missouri with at least one (1) year of paid work experience providing direct care to the elderly, disabled and/or infirm; or

4. *[or h]***H**ave at least three (3) years of **paid work** experience *[with the]* **providing** direct care *[of]* **to** the elderly, disabled and/**or** infirm;

[(B)] **(C)** All in-home service workers employed by the provider shall meet the following requirements:

1. Be at least eighteen (18) years of age;

2. Be able to read, write and follow directions; and **meet at least one (1) of the following requirements:**

[3.] **A.** Have at least six (6) months paid work experience as *[any]* **an** agency homemaker, nurse aide, maid or household worker; or

B. *[a]***A**t least one (1) year*['']*s experience, paid or unpaid, in caring for children or for sick or aged individuals*[.]***; or**

C. Successful completion of formal training in nursing arts or as a nurse aide or home health aide *[can substitute for the qualifying experience]***;**

[(C)] **(D)** All advanced personal care aides and advanced respite care workers employed by the provider shall be—

1. A licensed practical nurse; or

2. Certified nurse assistant; or

3. A *[competency evaluated]* home health aide *[as required by the Missouri Department of Health]* **meeting the standards for training, testing and competency evaluation described in** 42 CFR 484.36; or

4. Documented to have worked successfully for the provider for a minimum of three (3) consecutive months while working at least fifteen (15) hours per week as an in-home aide that has received personal care training;

[(D)] **(E)** All individuals employed to deliver authorized nurse visits *[are]* **shall be** currently licensed to practice as a registered nurse or a licensed practical nurse in Missouri; *[and]*

[(E) In-home service providers must evaluate health conditions of all in-home employees who have direct client contact—]

[1. Establish, implement, and enforce a policy governing communicable diseases that prohibits provider staff contact with clients when the employee has a communicable condition, including colds or flu; and]

[2. Assure that reporting requirements governing communicable diseases, including hepatitis and tuberculosis, as set by the Missouri Department of Health are carried out.]

(F) The division does not require employees delivering only optional chore services outside the client's home as specified in (8)(J) to have experience as required in (19)(C)2. of this rule; and

(G) The provider shall inform employees, of applicable requirements for registration with the Family Care Safety Registry (FCSR) pursuant to the requirements of sections 210.900, RSMo to 210.936, RSMo.

(20) The RN required by (19)(A) of this rule will be primarily responsible for proper care of clients, training of staff, and general clinical integrity of the in-home service provider. Such responsibilities shall include, at a minimum, the following functions:

(A) Monitor or provide oversight to staff that supervise in-home workers in the direct provision of services to assure that services are being delivered in accordance with the care plan;

(B) Direct or oversee staff responsible for in-home worker orientation and in-service training required herein; assure all training requirements are met; and ensure that in-home workers are trained to competently perform all basic and advanced service tasks as specified in this rule;

(C) Provide oversight to the process and documents used by the staff who conduct annual supervisor visits and have in place a system that ensures that a nurse reviews the completed evaluations;

(D) Assure that appropriate recommendations or reports are forwarded to the division including: requests to increase, reduce or discontinue services, changes in the client's condition, noncompliance with care plan, nondelivery of authorized services, or the need for increased division involvement;

(E) Establish, implement and enforce a policy governing communicable diseases that prohibits provider staff contact with clients when the employee has a communicable condition including colds or flu;

(F) Assure compliance with reporting requirements governing communicable diseases, including hepatitis and tuberculosis, as set by the Missouri Department of Health and Senior Services (19 CSR 20-20.020); and

(G) Review and initial all documentation of nurse tasks or functions delegated to and performed by an LPN.

[(20)] **(21)** The in-home service *[administrative]* supervisor's responsibilities shall include, at a minimum, the following functions:

(A) Monitoring the provision of services by the in-home services worker to assure that services are being delivered in accordance with the *[service]* **care** plan. This shall be primarily in the form of an at least monthly review and comparison of the worker's record of provided services with the *[service]* **care** plan.

(B) Documentation must be kept on clients with a delivery rate of less than eighty percent (80%) of the authorized units of in-home service. For each client with a delivery rate less than eighty percent (80%) of the authorized units of in-home services authorized for the time period being reviewed, the number of units of service delivered and the non-delivery code will be sent to the *[D]***d**ivision *[of Aging]* regional manager monthly on a form acceptable to the regional manager. Discrepancies for these clients concerning the frequency of delivered services and/or the in-home service tasks delivered, the corrective action taken, will be signed and dated by the supervisor and be readily available for monitoring or inspection;

[(B) Designating a trainer(s) to perform the sessions required as part of the basic training. The designated trainer(s) may be the supervisor or an experienced aide who has been employed by the provider agency at least six (6) months. A list of designated trainers must be available for monitoring;]

(C) Evaluating, in writing, each in-home service aide's performance at least annually. The evaluation shall be based in part on at least one (1) on-site visit. The aide must be present during the visit. The evaluation will include, in addition to the aide's performance, the adequacy of the *[service]* **care** plan, including review of the *[service]* **care** plan with the client. The written report of the evaluation shall contain documentation of the visit, including the client's name, the date and time of the visit, the aide's name and the supervisor's observations and notes from the visit. The evaluation shall be signed and dated by the supervisor who prepared it and by the aide. If the required evaluation is not performed or not documented, the aide's qualifications to provide the services may be presumed inadequate and all payments made for services by that aide may be recouped; *[and]*

(D) Communicating with the *[D]***d**ivision *[of Aging]* case manager **and provider RN** regarding changes in any client's condition, changes in scope or frequency of service delivery and recommending changes in the number of units of service per month including written documentation of that communication*[.]***; and**

(E) Assure that all employees (whether employed by contract, by the hour, or per visit) have a signed agreement detailing the employment arrangement, including all rights and responsibilities.

[(21) Registered nurse supervisory requirements for personal care and advanced personal care shall follow 13 CSR 70-91.010.]

(22) The in-home service provider shall have a written plan for providing training for new aides, respite care workers and homemakers which shall include, at a minimum, the following requirements:

(A) Twenty (20) hours of orientation training for in-home service workers, including at least two (2) hours orientation to the provider agency and the agency's protocols for handling emergencies, within thirty (30) days of employment.

1. Eight (8) hours of classroom training will be provided prior to the first day of client contact.

2. New employee orientation curricula shall include an overview of Alzheimer's disease and related dementias and methods of communicating with persons with dementia pursuant to the requirements of 660.050(22)8, RSMo.

[2.] **3.** Twelve (12) hours of required orientation training may be waived for aides and homemakers with adequate documentation in the employee's records that s/he has received similar training during the current or preceding *[fiscal]* year or has been employed at least half-time for six (6) months or more within the current or preceding *[fiscal]* year.

[3.] **4.** *[May waive a]***A**ll orientation training*[,]* (except the required *[minimum of]* two (2) hours*['*] provider agency orientation) *[to the provider agency,]* **may be waived** with documentation, placed in the aide's personnel record, that the aide is a licensed practical nurse, registered nurse or certified nurse assistant. The documentation shall include the employee's license or certification number **which must be** current **and in good standing** at the time the training was waived;

(B) Ten (10) hours of in-service training annually are required after the first twelve (12) months of employment**. Annual in-service training curricula shall include updates on Alzheimer's disease and related dementia**; and

(C) Additional training **requirements** for **in-home workers providing** advanced respite *[workers is]* **must be** determined and provided by *[the]* **a** provider agency RN following assessment of the client's condition and needs.

(23) The in-home service provider shall have written documentation of all basic and in-service training provided which includes, at a minimum**:***[,]*

(A) *[a]***A** report of each employee's training in that employee's personnel record. The report shall document the dates of all classroom or on-the-job training, trainer's name, topics, number of

hours and location, the date of the first client contact and shall include the aide's signature.

(B) If a provider waives the in-service training, the employee's training record shall contain **documentation sufficient to support** *[supportive data for]* the waiver. **In-service training shall not be waived, unless the employee's record contains documentation that the employee has received Alzheimer's disease and related dementias training.**

(C) The provider agency shall keep a training record or folder that contains:

1. A list of all training sessions held by the provider to fulfill training requirements;

2. A copy of all agendas showing date, time and duration of training sessions; and

3. Qualifications of trainer(s), if other than the provider agency RN.

(24) The in-home service provider shall maintain, at a minimum, the following records in a central location for five (5) years**. Records must be** *[and]* provide**d** *[them]* to the *[D]***d**epartment *[of Social Services]* staff or designees upon request**, and must be maintained in a manner that will ensure they are readily available for monitoring or inspection. Records include**:

(A) Individual client case or clinical records including records of service provision. These are confidential and shall be protected from damage, theft and unauthorized inspection and shall include, at a minimum, the following:

1. The authorization for services forms *[(LTACS Client Report)]* from the *[D]***d**ivision *[of Aging]* which documents authorization for all units of service provided;

2. Individual worker*['s]* **delivery** record**s** that *[lists]* **accurately document** the client's name, dates of service delivery, **beginning** time **and ending time for each service delivery date** *[spent on each day]*, activities **or tasks** performed, aide's signature and the client's signature verifying each date(s) of service. If the client is unable to sign, another responsible person present in the home during service delivery may sign to verify the time and activities reported or the client may make his/her mark (x) which shall be witnessed by a minimum of one (1) person who may be the aide or homemaker. If these documents are not *[maintained]* **filed** in the client's case record, they must be readily available for monitoring or inspection;

3. *[Copies of the supervisory monitoring log]* **Documentation** explaining discrepancies between authorized and delivered services including a description of corrective action taken, **when applicable, and documentation of information forwarded to the division** *[must be maintained in a central location and available for monitoring or inspection by the Department of Social Services]*;

4. *[Any]* **All** registered nurse clinical notes concerning the client;

5. Documentation of all correspondence and contacts with the client's physician or other care providers;

6. Copies of written communication transmitted to and from the *[D]***d**ivision *[of Aging]* case manager; and

7. Any other pertinent documentation regarding the client*[;]***.**

(B) Individual personnel record for each employee which is a confidential record and shall be protected from damage, theft and unauthorized inspection and shall include, at a minimum, the following:

1. Employment application *[with]* **containing** the employee's signature **and documentation sufficient to verify the employee meets age** *[showing requirements met for age]*, education, **and** work experience **requirements.** *[and t]***T**he **record shall document employment and termination** dates *[employed and terminated by the service provider]*;

2. Documentation of at least two (2) **credible** reference*[s successfully contacted]* **contacts**;

3. Documentation concerning all training and certification received;

4. Documentation *[for]* **supporting** any waiver of employment or training requirements;

5. Annual performance evaluation which includes observations from one (1) on-site visit**;**

6. A signed statement *[verifying]* **documenting** that the employee received and reviewed a copy of the client's rights, the code of ethics and *[that]* the service provider's policy regarding confidentiality of client information *[was]* **and that all were** explained prior to service delivery;

7. A signed statement verifying that the supervisor received and reviewed a copy of the in-home service standards;

8. Statement identifying the employee's position, including whether the employee performs administrative duties for the provider or delivers services to clients;

9. Returned permanent ID for a terminated employee or documentation of why it is not available; and

10. Verification of the current Missouri certified nurse assistant, licensed practical nurse or registered nurse license including, at least, the license or certificate number;

[(C) Written plans for basic and in-service training; and]

[(D)] **(C)** Accurate records documenting dates and amount of contributions received and expended. Records of contributions received should list the name of each contributor and the date and amount of the contribution. The contribution expenditure records should list the name and amount of the contribution. The contribution expenditure records should list the name and address of each client, dates of service delivery, time spent on each date, activities performed, aide's name and the client's signature for each date of service*[.]***; and**

(D) Documentation of each Employee Disqualification List and criminal background screening sufficient to show the identity of the person who was screened, the dates the screening was requested and completed and the outcome of the screening.

*AUTHORITY: section[s 536.023 and] 660.050, RSMo [Supp. 1997] **2000**. Original rule filed Sept. 1, 1994, effective April 30, 1995. Amended: Filed Dec. 15, 1997, effective July 30, 1998. Amended: Filed Sept. 14, 2001.*

PUBLIC COST: This proposed amendment is estimated to cost public entities; County Health Departments, and other political subdivisions, eight thousand one hundred dollars ($8,100) annually in the aggregate. A detailed fiscal note, which estimates the cost of compliance with this amendment, has been filed with the secretary of state and attached hereto.

PRIVATE COST: This proposed amendment is estimated to cost private entities eighty-nine thousand four hundred dollars ($89,400) annually in the aggregate. A detailed fiscal note, which estimates the cost of compliance with this amendment, has been filed with the secretary of state and attached hereto.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Linda Allen, Director, Division of Health and Senior Services, PO Box 1337, Jefferson City, MO 65103-1337. To be considered, comment must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: **19 - Department of Health and Senior Services**

Division: **15 - Division of Senior Services**

Chapter: **07 - In-Home Service Standards**

Type of Rulemaking: **Proposed Amendment**

Rule Number and Name: **19 CSR 15-7.021 In-Home Service Standards**

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregrate
County Health Departments and Other Political Subdivisions	$8,100.00 annually
Total	$8,100.00 annually

III. WORKSHEET

Existing In-Home Services Providers:

The costs of the proposed amendment to the in-home services standards would affect approximately 27 existing public County Health Departments and other political subdivisions who are In-Home Service Providers.

IV. ASSUMPTIONS:

The primary costs to providers will be incurred for the following revised requirements:

1. The provider agency will be required to maintain a commercial general liability insurance policy which covers all places of business and all clients, employees and volunteers. This insurance will provide coverage for no less than $1,000,000 per occurrence and $3,000,000 aggregate. The provider must also maintain a professional liability insurance policy. The policy provides coverage for no less than $1,000,000 per occurrence and $3,000,000 aggregate.

    - Based on information provided by insurance professionals, the division estimates the total base cost of the annual premiums for both policies would be approximately $1500. Additional premium costs are incurred based on number of employees and hours worked. The additional premium is calculated at approximately $.10 per employee per hour. The current rule requires insurance on all employees connected with the delivery and performance of in-home services in the client's home, but does not specify minimum coverages. Insurance professionals indicated that "entry level" coverages of $300,000 per occurrence and $600,000 aggregate have a base cost of $1200 to $1300. According to insurance professionals, minimum

coverages of $1,000,000 per occurrence and $3,000,000 aggregate are standard in the industry. While some providers already have the minimum coverages required by this amendment, it is impossible to estimate how many have such minimums. Further, it is impossible for the division to estimate the number of employees and number of hours per provider in order to calculate the additional premium per provider. A provider may make this calculation based on its own staffing. Therefore, based on available information, the division has included all providers in its calculation and assumes the annual base cost of per provider to secure the increased minimums would be $300. Maximum fiscal impact is, therefore, estimated at $8,100.00 (27 providers x $300) annually in the aggregate.

2. This number of providers will fluctuate as entities enter and exit the marketplace. Employees of the providers deliver in-home services to clients authorized for services by the division as an alternative to care in a more restrictive care setting.

3. The division is not able to determine the number of in-home providers who have insurance coverage as proposed in the rule amendment. Therefore the cost was applied to all existing in-home providers.

4. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: **19 - Department of Health and Senior Services**

Division: **15 - Division of Senior Services**

Chapter: **07 - In-Home Services Standards**

Type of Rulemaking: **Proposed Amendment**

Rule Number and Name: **19 CSR 15-7.021 In-Home Services Standards**

II. SUMMARY OF FISCAL IMPACT

Estimated number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
276	In-Home Providers (for-profit)	$82,800.00 annually
22	In-Home Providers (not-for-profit)	$6,600.00 annually
	Total:	$89,400.00 annually

III. WORKSHEET

Existing In-Home Services Providers:

The costs of the proposed amendment to the in-home services standards would affect approximately 298 existing private in-home service providers, which includes 22 not-for-profit agencies and 276 for-profit agencies.

IV. ASSUMPTIONS:

The primary costs to providers will be incurred for the following revised requirements:

1. The provider agency will be required to maintain a commercial general liability insurance policy which covers all places of business and all clients, employees and volunteers. This insurance will provide coverage for no less than $1,000,000 per occurrence and $3,000,000 aggregate. The provider must also maintain a professional liability insurance policy. The policy provides coverage for no less than $1,000,000 per occurrence and $3,000,000 aggregate.

    - Based on information provided by insurance professionals, the division estimates the total base cost of the annual premiums for both policies would be approximately $1,500. Additional premium costs are incurred based on number of employees and hours worked. The additional premium is calculated at approximately $.10 per employee per hour. The current rule requires insurance on all employees connected with the delivery and performance of in-home services in the client's home, but does not specify minimum coverages. Insurance professionals indicated that "entry level" coverages of $300,000 per occurrence and $600,000 aggregate have a base cost of $1,200 to $1,300. According to insurance professionals, minimum coverages of $1,000,000 per occurrence and $3,000,000 aggregate are standard in the industry. While

some providers already have the minimum coverages required by this amendment, it is impossible to estimate how many have such minimums. Further, it is impossible for the division to estimate the number of employees and number of hours per provider in order to calculate the additional premium per provider. A provider may make this calculation based on its own staffing. Therefore, based on available information, the division has included all providers in its calculation and assumes the annual base cost of per provider to secure the increased minimums would be $300. Maximum fiscal impact is, therefore, estimated at $89,400.00 (298 providers x $300) annually in the aggregate.

2. Section (5)(A) of the proposed amendment requires providers applying for contracts with the division to provide copies of various business records including certificates of good standing, registration of fictitious name, bylaws, operating and management agreements. The division has considered the costs but has determined that they are insignificant.

3. This number of providers will fluctuate as entities enter and exit the marketplace. Employees of the providers deliver in-home services to clients authorized for services by the division as an alternative to care in a more restrictive care setting.

4. The division is not able to determine the number of in-home providers who have insurance coverage as proposed in the rule amendment. Therefore the cost was applied to all existing in-home providers.

5. Any other costs not identified within this fiscal note are unforeseeable and unquantifiable.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 1—Financial Solvency and Accounting Standards

PROPOSED AMENDMENT

20 CSR 200-1.160 Valuation of Life Insurance Policies. The department proposes to amend sections (3)(B)3.I.(I) and (3)(B)3.I.(II) and to add new language in (3)(B)3.I.(III).

PURPOSE: The purpose of the amendment is to require the filing of certain actuarial opinions with the director of the Department of Insurance. These actuarial opinions are already required annually. Accordingly, the purpose of the amendment is solely to provide the means by which such opinions are to be filed with the director.

(3) General Calculation Requirements for Basic Reserves and Premium Deficiency Reserves.

(B) Deficiency reserves, if any, are calculated for each policy as the excess, if greater than zero, of the quantity A over the basic reserve. The quantity A is obtained by recalculating the basic reserve for the policy using guaranteed gross premiums instead of net premiums when the guaranteed gross premiums are less than the corresponding net premiums. At the election of the company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables with select mortality factors (or any other valuation mortality table adopted by the NAIC after the effective date of this rule and promulgated by rule by the director). If select mortality factors are elected, they may be:

1. The ten (10)-year select mortality factors incorporated into section 376.380, RSMo, and 20 CSR 400-1.110, 20 CSR 400-1.120 and 20 CSR 400-1.130;

2. The select mortality factors in the Appendix of this rule;

3. For durations in the first segment, X percent of the select mortality factors in the Appendix, subject to the following:

A. X may vary by policy year, policy form, underwriting classification, issue age or any other policy factor expected to affect mortality experience;

B. X shall not be less than twenty percent (20%);

C. X shall not decrease in any successive policy years;

D. X is such that, when using the valuation interest rate used for basic reserves, part (I) is greater than or equal to part (II):

(I) The actuarial present value of future death benefits, calculated using the mortality rates resulting from the application of X;

(II) The actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date;

E. X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first five (5) years after the valuation date;

F. The appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all the requirements of paragraph (B)3.;

G. The appointed actuary may decrease X at any valuation date as long as X does not decrease in any successive policy years and as long as it continues to meet all the requirements of paragraph (B)3. of this section;

H. The appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums; and

I. If X is less than one hundred percent (100%) at any duration for any policy, the following requirements shall be met:

(I) The appointed actuary shall annually prepare an actuarial opinion and memorandum for the company in conformance with the requirements of section 20 CSR 200-1.116(6); *[and]*

(II) The appointed actuary shall annually opine for all policies subject to this rule as to whether the mortality rates resulting from the application of X meet the requirements of paragraph (B)3. of this section. This opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The X factors shall reflect anticipated future mortality, without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience*[.]*; **and**

(III) The company shall file any opinion(s) required by parts (I) or (II) of this subparagraph with the director of the Department of Insurance as an attachment or attachments to and at the same time as the company's annual statement to which such opinion(s) relate.

4. Any other table of select mortality factors adopted by the NAIC after the effective date of this rule and promulgated by rule by the director for the purpose of calculating deficiency reserves.

AUTHORITY: sections 374.045[, RSMo Supp. 1999] and 376.676, RSMo 2000. Original rule filed June 15, 2000, effective Jan. 1, 2001. Amended: Filed Sept. 5, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 9:30 a.m. on November 20, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on November 20, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five (5) working days prior to the hearing.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 6—Surplus Lines

PROPOSED RULE

20 CSR 200-6.600 Licensing Requirements

PURPOSE: The purpose of this rule is to prescribe procedures to be followed in assessing the required bond amount posted with the department by, and the licensing of, a surplus lines licensee pursuant to section 384.043, RSMo.

(1) Examination Requirements. As used in section 384.043, RSMo, the qualifying examination for a nonresident who holds a surplus lines license in his/her home state shall be the home state's surplus lines examination or the home state's fire and casualty

examination, whichever is applicable. If the applicant does not hold a surplus lines license in his/her home state, the qualifying examination shall be the Missouri surplus lines examination.

(2) Bonding Requirement. Every licensee required to post a bond with the director pursuant to section 384.043.2(4), RSMo, shall conduct an annual review of the licensee's tax liability required by section 384.057, RSMo, for the previous tax year to determine the appropriate amount of the bond to be posted with the director as required by section 384.043.2(4), RSMo. If such review indicates that a change in bond amount is required, an updated bond shall be filed with the department before April 16 of each year with the licensee's annual premium tax payment made pursuant to section 384.059, RSMo. Should tax liability for the previous year change after April 16, an updated bond to reflect the new tax liability shall be filed within thirty (30) days after notification from the Department of Insurance.

(3) In assessing the amount of tax liability to be considered for purposes of section 384.043.2(4), RSMo, a licensee shall consider his/her tax liability in their home state for the previous tax year. Licensees who have incurred tax liability in the state of Missouri during the previous tax year shall utilize their tax liability in the state of Missouri to determine the amount of the bond required by section 384.043.2(4).

AUTHORITY: *section 374.045, RSMo 2000. Original rule filed Sept. 5, 2001.*

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.*

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 9:30 a.m. on November 20, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on November 20, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five (5) working days prior to the hearing.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 233—State Committee of Marital and Family Therapists
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Committee of Marital and Family Therapists under sections 337.712 and 337.727, RSMo 2000, the board amends a rule as follows:

4 CSR 233-1.040 Fees **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001 (26 MoReg 1309). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 233—State Committee of Marital and Family Therapists
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee of Marital and Family Therapists under sections 337.715 and 337.727, RSMo 2000, the board amends a rule as follows:

4 CSR 233-2.010 Educational Requirements **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001 (26 MoReg 1309). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 233—State Committee of Marital and Family Therapists
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee of Marital and Family Therapists under sections 337.715 and 337.727, RSMo 2000, the board amends a rule as follows:

4 CSR 233-2.020 Supervised Marital and Family Work Experience **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001 (26 MoReg 1310–1311). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 233—State Committee of Marital and Family Therapists
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee of Marital and Family Therapists under sections 337.715 and 337.727, RSMo 2000, the board amends a rule as follows:

4 CSR 233-2.021 Registered Supervisors and Supervisory Responsibilities **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001 (26 MoReg 1311). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 233—State Committee of Marital and Family Therapists
Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee of Marital and Family Therapists under section 337.727.1(1), (3), (6) and (10), RSMo 2000, the board amends a rule as follows:

4 CSR 233-2.040 Examination Requirements **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001 (26 MoReg 1312). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations.*

SUMMARY OF COMMENTS: No comments were received.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 5—Administration
Chapter 1—Adaptive Telephone Equipment Program

ORDER OF RULEMAKING

By the authority vested in the Department of Labor and Industrial Relations under section 286.060 RSMo 2000, the department rescinds a rule as follows:

8 CSR 5-1.010 Adaptive Telephone Equipment Program **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on July 2, 2001 (26 MoReg 1322). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The department received one letter of comment regarding this proposed rescission.

COMMENT: The Missouri Speech-Language-Hearing Association submitted a letter expressing concern that the rule permits hearing instrument specialists to certify patrons for telecommunication equipment.
RESPONSE: The rescission of the rule has no bearing on the role of hearing instrument specialists in the program. The rule was rescinded because the program was transferred to a different agency. The new agency has proposed rules concerning the program that permit hearing instrument specialists to certify candidates for the program. However, the addition of hearing instrument specialists as certifying agents for the program was mandated by a statutory change. The department makes no changes to the proposed recession based on this comment.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—Division of Medical Services
Chapter 15—Hospital Program

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Medical Services under sections 208.201, 208.453 and 208.455, RSMo 2000, the director hereby amends a rule as follows:

13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2001 (26 MoReg 1329–1330). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 100—Division of Credit Unions

APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Missouri Family Credit Union 3435 South Noland Road Independence, MO 64055	People who live or work in the following zip codes: 64125, 64050, 64051

NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten (10) business days after publication of this notice in the ***Missouri Register****.*

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

Friday, August 24, 2001

NOTICE OF DISSOLUTION OF TANDATA CORPORATION

In accordance with Section 280 of the Delaware General Corporation Law, notice is hereby given of the dissolution of TanData Corporation, a Delaware corporation (the "Corporation"). All persons having a claim against the Corporation are hereby notified to direct such claim to TanData Corporation, Attention: The President c/o TanData Corporation, 8282 South Memorial Drive, Suite 400, Tulsa, Oklahoma 74133.

All such claims must be presented in writing and must contain sufficient information reasonably to inform the Corporation of the claimant and the substance of the claim. Said claims must be received by the Corporation not later than 60 days from the date of the publication of this Notice. Any such claim will be barred if not received by the date that is 60 days from the date of the publication of this Notice.

As of the publication of this Notice, no distributions have been made to the Corporation's shareholders. The Corporation may make distributions to other claimants and to the Corporation's shareholders, or persons interested as having been such, without further notice to the claimant.

8282 South Memorial Drive
Suite 400
Tulsa, OK 74133

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B3Z02026 Archaeological Survey Services 10/15/01;
B3Z02061 TEL-LINK Information & Referral Line Services 10/16/01;
B2Z02000 Electronic Benefit Transfer (EBT) Services 11/19/01;
B2Z02003 Intrusion Detection System (IDS) Software 10/23/01.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

1.) Mediation Services, supplied by M.A.R.C.H., Inc. 2.) Data Analysis, supplied by St. Louis University.

James Miluski, CPPO,
Director of Purchasing

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—24 (1999), 25 (2000) and 26 (2001). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				24 MoReg 2535 25 MoReg 2478
	DEPARTMENT OF AGRICULTURE				
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 10-5.010	Market Development	26 MoReg 1305R			
		26 MoReg 1305			
2 CSR 70-13.030	Plant Industries		26 MoReg 905	26 MoReg 1837	
2 CSR 90-40.010	Weights and Measures		26 MoReg 1129R	26 MoReg 1837R	
2 CSR 90-50.010	Weights and Measures		26 MoReg 1129R	26 MoReg 1837R	
2 CSR 100-10.010	Weights and Measures		26 MoReg 1623		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-1.010	Conservation Commission		26 MoReg 1795		
3 CSR 10-5.550	Conservation Commission		26 MoReg 1891		
3 CSR 10-5.551	Conservation Commission		26 MoReg 1893		
3 CSR 10-5.559	Conservation Commission		26 MoReg 1895		
3 CSR 10-5.560	Conservation Commission		26 MoReg 1897		
3 CSR 10-5.565	Conservation Commission		26 MoReg 1899		
3 CSR 10-7.440	Conservation Commission		N.A.	26 MoReg 1927	
3 CSR 10-9.110	Conservation Commission		26 MoReg 1308	26 MoReg 1837	
3 CSR 10-9.442	Conservation Commission		N.A.	26 MoReg 1928	
3 CSR 10-11.182	Conservation Commission		26 MoReg 1901		
3 CSR 10-11.200	Conservation Commission		26 MoReg 1901		
3 CSR 10-11.210	Conservation Commission		26 MoReg 1901		
3 CSR 10-11.215	Conservation Commission		26 MoReg 1902		
3 CSR 10-12.109	Conservation Commission		26 MoReg 1308	26 MoReg 1838	
3 CSR 10-12.110	Conservation Commission		26 MoReg 1902		
3 CSR 10-12.135	Conservation Commission		26 MoReg 1902		
3 CSR 10-12.140	Conservation Commission		26 MoReg 1902		
3 CSR 10-12.145	Conservation Commission		26 MoReg 1902		
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 10-2.160	Missouri State Board of Accountancy	26 MoReg 1501			
4 CSR 15-1.010	Acupuncturist Advisory Committee		26 MoReg 1624		
4 CSR 15-1.020	Acupuncturist Advisory Committee		26 MoReg 1628		
4 CSR 15-1.030	Acupuncturist Advisory Committee		26 MoReg 1631		
4 CSR 15-2.010	Acupuncturist Advisory Committee		26 MoReg 1631		
4 CSR 15-2.020	Acupuncturist Advisory Committee		26 MoReg 1637		
4 CSR 15-3.010	Acupuncturist Advisory Committee		26 MoReg 1642		
4 CSR 15-3.020	Acupuncturist Advisory Committee		26 MoReg 1647		
4 CSR 15-4.010	Acupuncturist Advisory Committee		26 MoReg 1650		
4 CSR 15-4.020	Acupuncturist Advisory Committee		26 MoReg 1653		
4 CSR 30-8.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1406R 26 MoReg 1406		
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1409R 26 MoReg 1409		
4 CSR 30-11.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		26 MoReg 1410		
4 CSR 100	Division of Credit Unions				26 MoReg 1765 26 MoReg 1846 26 MoReg 1931 This Issue
4 CSR 100-2.040	Division of Credit Unions		26 MoReg 1795		
4 CSR 100-2.060	Division of Credit Unions		26 MoReg 1159	26 MoReg 1704	
4 CSR 100-2.160	Division of Credit Unions		26 MoReg 1796		
4 CSR 110-2.170	Missouri Dental Board		26 MoReg 1414R 26 MoReg 1414		
4 CSR 110-2.180	Missouri Dental Board		26 MoReg 1423R 26 MoReg 1423		
4 CSR 120-2.100	State Board of Embalmers and Funeral Directors		26 MoReg 1007	26 MoReg 1704	
4 CSR 145-1.040	Missouri Board of Geologist Registration		26 MoReg 1011	26 MoReg 1704	
4 CSR 150-2.050	State Board of Registration for the Healing Arts		26 MoReg 1014	26 MoReg 1705	
4 CSR 150-2.080	State Board of Registration for the Healing Arts		26 MoReg 1014	26 MoReg 1705	
4 CSR 150-2.125	State Board of Registration for the Healing Arts		26 MoReg 1020	26 MoReg 1705	
4 CSR 150-2.165	State Board of Registration for the Healing Arts		26 MoReg 1021	26 MoReg 1705	
4 CSR 150-6.010	State Board of Registration for the Healing Arts		26 MoReg 1656		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 150-8.060	State Board of Registration for the Healing Arts		26 MoReg 1023	26 MoReg 1706	
4 CSR 165-1.020	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1656		
4 CSR 165-2.050	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1656		
4 CSR 165-2.060	Board of Examiners for Hearing Instrument Specialists		26 MoReg 1657		
4 CSR 220-2.010	State Board of Pharmacy		26 MoReg 1658		
4 CSR 220-2.085	State Board of Pharmacy		26 MoReg 1025	26 MoReg 1929	
4 CSR 220-5.020	State Board of Pharmacy		26 MoReg 1025	26 MoReg 1929	
4 CSR 233-1.040	State Committee of Marital and Family Therapists		26 MoReg 1309	This Issue	
4 CSR 233-2.010	State Committee of Marital and Family Therapists		26 MoReg 1309	This Issue	
4 CSR 233-2.020	State Committee of Marital and Family Therapists		26 MoReg 1310	This Issue	
4 CSR 233-2.021	State Committee of Marital and Family Therapists		26 MoReg 1311	This Issue	
4 CSR 233-2.040	State Committee of Marital and Family Therapists		26 MoReg 1312	This Issue	
4 CSR 240-2.080	Public Service Commission		This Issue		
4 CSR 240-2.130	Public Service Commission		This Issue		
4 CSR 240-10.020	Public Service Commission		26 MoReg 1659		
4 CSR 240-21.010	Public Service Commission		26 MoReg 1312		
4 CSR 240-35.010	Public Service Commission		26 MoReg 1659		
4 CSR 240-35.020	Public Service Commission		26 MoReg 1659		
4 CSR 240-35.030	Public Service Commission		26 MoReg 1660R		
4 CSR 240-51.010	Public Service Commission		26 MoReg 1317		
4 CSR 240-120.011	Public Service Commission		26 MoReg 1434		
4 CSR 240-120.065	Public Service Commission		26 MoReg 1434		
4 CSR 240-120.100	Public Service Commission		26 MoReg 1160		
4 CSR 240-121.010	Public Service Commission		26 MoReg 1161		
4 CSR 240-121.020	Public Service Commission		26 MoReg 1161		
4 CSR 240-121.040	Public Service Commission		26 MoReg 1161		
4 CSR 240-121.050	Public Service Commission		26 MoReg 1162		
4 CSR 240-121.055	Public Service Commission		26 MoReg 1434		
4 CSR 240-121.060	Public Service Commission		26 MoReg 1162		
4 CSR 240-121.090	Public Service Commission		26 MoReg 1162		
4 CSR 240-122.010	Public Service Commission		26 MoReg 1435R		
4 CSR 240-122.020	Public Service Commission		26 MoReg 1435R		
4 CSR 240-122.030	Public Service Commission		26 MoReg 1435R		
4 CSR 240-122.040	Public Service Commission		26 MoReg 1435R		
4 CSR 240-122.050	Public Service Commission		26 MoReg 1436R		
4 CSR 240-122.060	Public Service Commission		26 MoReg 1436R		
4 CSR 240-122.070	Public Service Commission		26 MoReg 1436R		
4 CSR 240-122.080	Public Service Commission		26 MoReg 1437R		
4 CSR 240-122.090	Public Service Commission		26 MoReg 1437R		
4 CSR 240-123.010	Public Service Commission		26 MoReg 1437		
4 CSR 240-123.030	Public Service Commission		26 MoReg 1438		
4 CSR 240-123.040	Public Service Commission		26 MoReg 1441		
4 CSR 240-123.065	Public Service Commission		26 MoReg 1444		
4 CSR 240-123.070	Public Service Commission		26 MoReg 1444		
4 CSR 240-123.080	Public Service Commission		26 MoReg 1446		
4 CSR 240-124.010	Public Service Commission		26 MoReg 1446		
4 CSR 240-124.040	Public Service Commission		26 MoReg 1447		
4 CSR 240-124.045	Public Service Commission		26 MoReg 1447		
4 CSR 245-5.010	Real Estate Appraisers		26 MoReg 1026	26 MoReg 1706	
4 CSR 245-5.020	Real Estate Appraisers		26 MoReg 1026	26 MoReg 1706	
4 CSR 270-1.011	Missouri Veterinary Medical Board		26 MoReg 1030	26 MoReg 1706	
4 CSR 270-1.021	Missouri Veterinary Medical Board		26 MoReg 1030	26 MoReg 1706	
4 CSR 270-1.050	Missouri Veterinary Medical Board		26 MoReg 1031R 26 MoReg 1031	26 MoReg 1706R 26 MoReg 1707	
4 CSR 270-2.011	Missouri Veterinary Medical Board		26 MoReg 1037	26 MoReg 1707	
4 CSR 270-2.021	Missouri Veterinary Medical Board		26 MoReg 1037	26 MoReg 1707	
4 CSR 270-2.052	Missouri Veterinary Medical Board		26 MoReg 1038	26 MoReg 1707	
4 CSR 270-2.070	Missouri Veterinary Medical Board		26 MoReg 1038	26 MoReg 1707	
4 CSR 270-2.071	Missouri Veterinary Medical Board		26 MoReg 1039	26 MoReg 1708	
4 CSR 270-3.020	Missouri Veterinary Medical Board		26 MoReg 1039	26 MoReg 1708	
4 CSR 270-3.030	Missouri Veterinary Medical Board		26 MoReg 1040	26 MoReg 1708	
4 CSR 270-3.040	Missouri Veterinary Medical Board		26 MoReg 1040	26 MoReg 1708	
4 CSR 270-4.042	Missouri Veterinary Medical Board		26 MoReg 1041	26 MoReg 1708	
4 CSR 270-4.050	Missouri Veterinary Medical Board		26 MoReg 1047	26 MoReg 1708	
4 CSR 270-4.060	Missouri Veterinary Medical Board		26 MoReg 1051	26 MoReg 1709	
4 CSR 270-5.011	Missouri Veterinary Medical Board		26 MoReg 1051	26 MoReg 1709	
4 CSR 270-7.020	Missouri Veterinary Medical Board		26 MoReg 1054	26 MoReg 1709	
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 30-261.025	Division of Administrative and Financial Services		26 MoReg 912	26 MoReg 1838	
5 CSR 30-345.020	Division of Administrative and Financial Services *(Changed to 5 CSR 50-345.020)*		26 MoReg 1320		
5 CSR 50-345.020	Division of School Improvement *(Changed from 5 CSR 30-345.020)*		26 MoReg 1320		
5 CSR 60-100.020	Vocational and Adult Education		26 MoReg 915	26 MoReg 1838	
5 CSR 80-800.200	Teacher Quality and Urban Education		26 MoReg 918	26 MoReg 1838	
5 CSR 80-800.220	Teacher Quality and Urban Education		26 MoReg 918	26 MoReg 1839	
5 CSR 80-800.230	Teacher Quality and Urban Education		26 MoReg 919	26 MoReg 1839	
5 CSR 80-800.260	Teacher Quality and Urban Education		26 MoReg 919	26 MoReg 1840	26 MoReg 1931
5 CSR 80-800.270	Teacher Quality and Urban Education		26 MoReg 922	26 MoReg 1840	
5 CSR 80-800.280	Teacher Quality and Urban Education		26 MoReg 922	26 MoReg 1841	
5 CSR 80-800.350	Teacher Quality and Urban Education		26 MoReg 923	26 MoReg 1841	

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5 CSR 80-800.360	Teacher Quality and Urban Education		26 MoReg 925	26 MoReg 1841	
5 CSR 80-800.380	Teacher Quality and Urban Education		26 MoReg 926	26 MoReg 1842	
5 CSR 80-850.025	Teacher Quality and Urban Education		26 MoReg 1503		
5 CSR 90-7.010	Vocational Rehabilitation		26 MoReg 1506		
5 CSR 90-7.100	Vocational Rehabilitation		26 MoReg 1507		
5 CSR 90-7.200	Vocational Rehabilitation		26 MoReg 1511		
5 CSR 90-7.300	Vocational Rehabilitation		26 MoReg 1514		
5 CSR 90-7.310	Vocational Rehabilitation		26 MoReg 1514		
5 CSR 90-7.320	Vocational Rehabilitation		26 MoReg 1514		
5 CSR 100-200.010	Missouri Commission for the Deaf		26 MoReg 1660R 26 MoReg 1660		
5 CSR 100-200.030	Missouri Commission for the Deaf		26 MoReg 1661R 26 MoReg 1661		
5 CSR 100-200.040	Missouri Commission for the Deaf		26 MoReg 1662R 26 MoReg 1662		
5 CSR 100-200.050	Missouri Commission for the Deaf		26 MoReg 1662R 26 MoReg 1663		
5 CSR 100-200.060	Missouri Commission for the Deaf		26 MoReg 1663R 26 MoReg 1663		
5 CSR 100-200.070	Missouri Commission for the Deaf		26 MoReg 1664R 26 MoReg 1664		
5 CSR 100-200.075	Missouri Commission for the Deaf		26 MoReg 1665		
5 CSR 100-200.080	Missouri Commission for the Deaf		26 MoReg 1665		
5 CSR 100-200.085	Missouri Commission for the Deaf		26 MoReg 1666R 26 MoReg 1666		
5 CSR 100-200.090	Missouri Commission for the Deaf		26 MoReg 1666R		
5 CSR 100-200.100	Missouri Commission for the Deaf		26 MoReg 1667R 26 MoReg 1667		
5 CSR 100-200.110	Missouri Commission for the Deaf		26 MoReg 1667R		
5 CSR 100-200.120	Missouri Commission for the Deaf		26 MoReg 1668R		
5 CSR 100-200.125	Missouri Commission for the Deaf		26 MoReg 1668		
5 CSR 100-200.130	Missouri Commission for the Deaf		26 MoReg 1668R 26 MoReg 1669		
5 CSR 100-200.140	Missouri Commission for the Deaf		26 MoReg 1670R 26 MoReg 1670		
5 CSR 100-200.150	Missouri Commission for the Deaf		26 MoReg 1670R 26 MoReg 1671		
5 CSR 100-200.170	Missouri Commission for the Deaf		26 MoReg 1673R 26 MoReg 1673		
5 CSR 100-200.175	Missouri Commission for the Deaf		26 MoReg 1675R		
5 CSR 100-200.180	Missouri Commission for the Deaf		26 MoReg 1675R 26 MoReg 1676		
5 CSR 100-200.200	Missouri Commission for the Deaf		26 MoReg 1676R		
5 CSR 100-200.210	Missouri Commission for the Deaf		26 MoReg 1677R 26 MoReg 1677		
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 5-1.010	Administration		26 MoReg 1322R	This IssueR	
8 CSR 70-1.010	Missouri Assistive Technology Advisory Council		26 MoReg 1797		
8 CSR 70-1.020	Missouri Assistive Technology Advisory Council		26 MoReg 1568		
	DEPARTMENT OF MENTAL HEALTH				
9 CSR 10-7.010	Director, Department of Mental Health		26 MoReg 708	26 MoReg 1709	
9 CSR 10-7.020	Director, Department of Mental Health		26 MoReg 710	26 MoReg 1710	26 MoReg 1846
9 CSR 10-7.030	Director, Department of Mental Health		26 MoReg 711	26 MoReg 1710	26 MoReg 1846
9 CSR 10-7.040	Director, Department of Mental Health		26 MoReg 714	26 MoReg 1711	
9 CSR 10-7.050	Director, Department of Mental Health		26 MoReg 714	26 MoReg 1712	
9 CSR 10-7.060	Director, Department of Mental Health		26 MoReg 715	26 MoReg 1712	
9 CSR 10-7.070	Director, Department of Mental Health		26 MoReg 716	26 MoReg 1712	
9 CSR 10-7.080	Director, Department of Mental Health		26 MoReg 717	26 MoReg 1714	
9 CSR 10-7.090	Director, Department of Mental Health		26 MoReg 718	26 MoReg 1714	
9 CSR 10-7.100	Director, Department of Mental Health		26 MoReg 719	26 MoReg 1714	
9 CSR 10-7.110	Director, Department of Mental Health		26 MoReg 719	26 MoReg 1715	
9 CSR 10-7.120	Director, Department of Mental Health		26 MoReg 720	26 MoReg 1715	
9 CSR 10-7.130	Director, Department of Mental Health		26 MoReg 723	26 MoReg 1715	
9 CSR 10-7.140	Director, Department of Mental Health		26 MoReg 725	26 MoReg 1716	
9 CSR 30-3.010	Certification Standards		26 MoReg 728R	26 MoReg 1716R	
9 CSR 30-3.020	Certification Standards		26 MoReg 728R	26 MoReg 1717R	
9 CSR 30-3.022	Certification Standards		26 MoReg 728	26 MoReg 1717	
9 CSR 30-3.030	Certification Standards		26 MoReg 729R	26 MoReg 1717R	
9 CSR 30-3.032	Certification Standards		26 MoReg 729	26 MoReg 1717	
9 CSR 30-3.040	Certification Standards		26 MoReg 730R	26 MoReg 1718R	
9 CSR 30-3.050	Certification Standards		26 MoReg 730R	26 MoReg 1718R	
9 CSR 30-3.060	Certification Standards		26 MoReg 731R	26 MoReg 1718R	
9 CSR 30-3.070	Certification Standards		26 MoReg 731R	26 MoReg 1718R	
9 CSR 30-3.080	Certification Standards		26 MoReg 731R	26 MoReg 1718R	
9 CSR 30-3.100	Certification Standards		26 MoReg 731	26 MoReg 1718	
9 CSR 30-3.110	Certification Standards		26 MoReg 735	26 MoReg 1720	
9 CSR 30-3.120	Certification Standards		26 MoReg 737	26 MoReg 1721	
9 CSR 30-3.130	Certification Standards		26 MoReg 739	26 MoReg 1722	
9 CSR 30-3.132	Certification Standards *(Changed from 9 CSR 30-3.610)*		26 MoReg 750	26 MoReg 1724	

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9 CSR 30-3.134	Certification Standards		26 MoReg 753	26 MoReg 1726	
	(Changed from 9 CSR 30-3.611)				
9 CSR 30-3.140	Certification Standards		26 MoReg 741	26 MoReg 1726	
9 CSR 30-3.150	Certification Standards		26 MoReg 742	26 MoReg 1727	
9 CSR 30-3.160	Certification Standards		26 MoReg 742	26 MoReg 1727	
9 CSR 30-3.190	Certification Standards		26 MoReg 745	26 MoReg 1728	26 MoReg 1932
9 CSR 30-3.192	Certification Standards		26 MoReg 746	26 MoReg 1728	
9 CSR 30-3.200	Certification Standards		26 MoReg 747R	26 MoReg 1729R	
9 CSR 30-3.201	Certification Standards		26 MoReg 758	26 MoReg 1729	
	(Changed from 9 CSR 30-3.700)				
9 CSR 30-3.202	Certification Standards		26 MoReg 760	26 MoReg 1729	26 MoReg 1932
	(Changed from 9 CSR 30-3.730)				
9 CSR 30-3.204	Certification Standards		26 MoReg 762	26 MoReg 1729	
	(Changed from 9 CSR 30-3.750)				
9 CSR 30-3.206	Certification Standards		26 MoReg 764	26 MoReg 1729	
	(Changed from 9 CSR 30-3.760)				
9 CSR 30-3.208	Certification Standards		26 MoReg 768	26 MoReg 1730	
	(Changed from 9 CSR 30-3.790)				
9 CSR 30-3.210	Certification Standards		26 MoReg 748R	26 MoReg 1730R	
9 CSR 30-3.220	Certification Standards		26 MoReg 748R	26 MoReg 1730R	
9 CSR 30-3.230	Certification Standards		26 MoReg 768	26 MoReg 1730	
	(Changed from 9 CSR 30-3.800)				
9 CSR 30-3.240	Certification Standards		26 MoReg 748R	26 MoReg 1731R	
9 CSR 30-3.250	Certification Standards		26 MoReg 748R	26 MoReg 1731R	
9 CSR 30-3.300	Certification Standards		26 MoReg 755	26 MoReg 1731	
	(Changed from 9 CSR 30-3.630)				
9 CSR 30-3.400	Certification Standards		26 MoReg 749R	26 MoReg 1731R	
9 CSR 30-3.410	Certification Standards		26 MoReg 749R	26 MoReg 1731R	
9 CSR 30-3.420	Certification Standards		26 MoReg 749R	26 MoReg 1732R	
9 CSR 30-3.500	Certification Standards		26 MoReg 749R	26 MoReg 1732R	
9 CSR 30-3.510	Certification Standards		26 MoReg 750R	26 MoReg 1732R	
9 CSR 30-3.600	Certification Standards		26 MoReg 750R	26 MoReg 1732R	
9 CSR 30-3.610	Certification Standards		26 MoReg 750	26 MoReg 1724	
	(Changed to 9 CSR 30-3.132)				
9 CSR 30-3.611	Certification Standards		26 MoReg 753	26 MoReg 1726	
	(Changed to 9 CSR 30-3.134)				
9 CSR 30-3.620	Certification Standards		26 MoReg 755R	26 MoReg 1732R	
9 CSR 30-3.621	Certification Standards		26 MoReg 755R	26 MoReg 1732R	
9 CSR 30-3.630	Certification Standards		26 MoReg 755	26 MoReg 1731	
	(Changed to 9 CSR 30-3.300)				
9 CSR 30-3.700	Certification Standards		26 MoReg 758	26 MoReg 1729	
	(Changed to 9 CSR 30-3.201)				
9 CSR 30-3.710	Certification Standards		26 MoReg 759R	26 MoReg 1733R	
9 CSR 30-3.720	Certification Standards		26 MoReg 759R	26 MoReg 1733R	
9 CSR 30-3.730	Certification Standards		26 MoReg 760	26 MoReg 1729	26 MoReg 1932
	(Changed to 9 CSR 30-3.202)				
9 CSR 30-3.740	Certification Standards		26 MoReg 762R	26 MoReg 1733R	
9 CSR 30-3.750	Certification Standards		26 MoReg 762	26 MoReg 1729	
	(Changed to 9 CSR 30-3.204)				
9 CSR 30-3.760	Certification Standards		26 MoReg 764	26 MoReg 1729	
	(Changed to 9 CSR 30-3.206)				
9 CSR 30-3.770	Certification Standards		26 MoReg 767R	26 MoReg 1733R	
9 CSR 30-3.780	Certification Standards		26 MoReg 767R	26 MoReg 1733R	
9 CSR 30-3.790	Certification Standards		26 MoReg 768	26 MoReg 1730	
	(Changed to 9 CSR 30-3.208)				
9 CSR 30-3.800	Certification Standards		26 MoReg 768	26 MoReg 1730	
	(Changed to 9 CSR 30-2.230)				
9 CSR 30-3.810	Certification Standards		26 MoReg 772R	26 MoReg 1733R	
9 CSR 30-3.820	Certification Standards		26 MoReg 772R	26 MoReg 1734R	
9 CSR 30-3.830	Certification Standards		26 MoReg 772R	26 MoReg 1734R	
9 CSR 30-3.840	Certification Standards		26 MoReg 773R	26 MoReg 1734R	
9 CSR 30-3.850	Certification Standards		26 MoReg 773R	26 MoReg 1734R	
9 CSR 30-3.851	Certification Standards		26 MoReg 773R	26 MoReg 1734R	
9 CSR 30-3.852	Certification Standards		26 MoReg 774R	26 MoReg 1734R	
9 CSR 30-3.853	Certification Standards		26 MoReg 774R	26 MoReg 1735R	
9 CSR 30-3.860	Certification Standards		26 MoReg 774R	26 MoReg 1735R	
9 CSR 30-3.870	Certification Standards		26 MoReg 774R	26 MoReg 1735R	
9 CSR 30-3.880	Certification Standards		26 MoReg 775R	26 MoReg 1735R	
9 CSR 30-3.890	Certification Standards		26 MoReg 775R	26 MoReg 1735R	
9 CSR 30-3.900	Certification Standards		26 MoReg 775R	26 MoReg 1735R	
9 CSR 30-3.910	Certification Standards		26 MoReg 775R	26 MoReg 1736R	
9 CSR 30-3.920	Certification Standards		26 MoReg 776R	26 MoReg 1736R	
9 CSR 30-3.930	Certification Standards		26 MoReg 776R	26 MoReg 1736R	
9 CSR 30-3.940	Certification Standards		26 MoReg 776R	26 MoReg 1736R	
9 CSR 30-3.950	Certification Standards		26 MoReg 776R	26 MoReg 1736R	
9 CSR 30-3.960	Certification Standards		26 MoReg 777R	26 MoReg 1736R	
9 CSR 30-3.970	Certification Standards		26 MoReg 777R	26 MoReg 1737R	
9 CSR 30-4.010	Certification Standards		26 MoReg 777	26 MoReg 1737	
9 CSR 30-4.020	Certification Standards		26 MoReg 778	26 MoReg 1737	
9 CSR 30-4.030	Certification Standards		26 MoReg 780	26 MoReg 1737	
9 CSR 30-4.031	Certification Standards		26 MoReg 781	26 MoReg 1738	
9 CSR 30-4.032	Certification Standards		26 MoReg 783	26 MoReg 1738	
9 CSR 30-4.033	Certification Standards		26 MoReg 784	26 MoReg 1738	

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9 CSR 30-4.034	Certification Standards		26 MoReg 785	26 MoReg 1738	
9 CSR 30-4.035	Certification Standards		26 MoReg 787	26 MoReg 1739	26 MoReg 1933
9 CSR 30-4.036	Certification Standards		26 MoReg 789R	26 MoReg 1740R	
9 CSR 30-4.037	Certification Standards		26 MoReg 790R	26 MoReg 1740R	
9 CSR 30-4.038	Certification Standards		26 MoReg 790	26 MoReg 1741	
9 CSR 30-4.039	Certification Standards		26 MoReg 791	26 MoReg 1741	
9 CSR 30-4.040	Certification Standards		26 MoReg 791	26 MoReg 1741	
9 CSR 30-4.041	Certification Standards		26 MoReg 792	26 MoReg 1741	
9 CSR 30-4.043	Certification Standards		26 MoReg 793	26 MoReg 1741	
9 CSR 30-4.044	Certification Standards		26 MoReg 795R	26 MoReg 1742R	
9 CSR 30-4.100	Certification Standards		26 MoReg 795R	26 MoReg 1742R	
9 CSR 30-4.110	Certification Standards		26 MoReg 795R	26 MoReg 1742R	
9 CSR 30-4.120	Certification Standards		26 MoReg 796R	26 MoReg 1742R	
9 CSR 30-4.130	Certification Standards		26 MoReg 796R	26 MoReg 1743R	
9 CSR 30-4.140	Certification Standards		26 MoReg 796R	26 MoReg 1743R	
9 CSR 30-4.150	Certification Standards		26 MoReg 796R	26 MoReg 1743R	
9 CSR 30-4.160	Certification Standards		26 MoReg 797	26 MoReg 1743	26 MoReg 1933
9 CSR 30-4.170	Certification Standards		26 MoReg 798R	26 MoReg 1743R	
9 CSR 30-4.180	Certification Standards		26 MoReg 798R	26 MoReg 1744R	
9 CSR 30-4.190	Certification Standards		26 MoReg 798	26 MoReg 1744	
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-2.210	Air Conservation Commission		26 MoReg 507	26 MoReg 1744	
10 CSR 10-5.300	Air Conservation Commission		This Issue		
10 CSR 10-6.050	Air Conservation Commission		26 MoReg 1456		
10 CSR 10-6.060	Air Conservation Commission		This Issue		
10 CSR 10-6.065	Air Conservation Commission		This Issue		
10 CSR 10-6.110	Air Conservation Commission		26 MoReg 1322		26 MoReg 1846S
10 CSR 10-6.280	Air Conservation Commission		26 MoReg 1570		
10 CSR 20-4.023	Clean Water Commission		26 MoReg 860		
10 CSR 20-4.043	Clean Water Commission		26 MoReg 861		
10 CSR 20-6.200	Clean Water Commission		This Issue		
10 CSR 20-15.010	Clean Water Commission		This Issue		
10 CSR 20-15.020	Clean Water Commission		This Issue		
10 CSR 20-15.030	Clean Water Commission		This Issue		
10 CSR 23-3.100	Division of Geology and Land Survey		26 MoReg 1163		
10 CSR 25-1.010	Hazardous Waste Management Commission		26 MoReg 518	26 MoReg 1752	
10 CSR 25-3.260	Hazardous Waste Management Commission		26 MoReg 518	26 MoReg 1752	
10 CSR 25-4.261	Hazardous Waste Management Commission		26 MoReg 521	26 MoReg 1752	
10 CSR 25-5.262	Hazardous Waste Management Commission		26 MoReg 523	26 MoReg 1752	
10 CSR 25-7.264	Hazardous Waste Management Commission		26 MoReg 530	26 MoReg 1753	
10 CSR 25-7.265	Hazardous Waste Management Commission		26 MoReg 531	26 MoReg 1753	
10 CSR 25-7.266	Hazardous Waste Management Commission		26 MoReg 532	26 MoReg 1753	
10 CSR 25-7.268	Hazardous Waste Management Commission		26 MoReg 533	26 MoReg 1753	
10 CSR 25-7.270	Hazardous Waste Management Commission		26 MoReg 535	26 MoReg 1754	
10 CSR 25-8.124	Hazardous Waste Management Commission		26 MoReg 538	26 MoReg 1754	
10 CSR 25-9.020	Hazardous Waste Management Commission		26 MoReg 541	26 MoReg 1754	
10 CSR 25-10.010	Hazardous Waste Management Commission		26 MoReg 545	26 MoReg 1755	
10 CSR 25-11.279	Hazardous Waste Management Commission		26 MoReg 547	26 MoReg 1755	
10 CSR 25-12.010	Hazardous Waste Management Commission		26 MoReg 548	26 MoReg 1755	25 MoReg 2253
10 CSR 25-13.010	Hazardous Waste Management Commission		26 MoReg 554	26 MoReg 1755	
10 CSR 25-15.010	Hazardous Waste Management Commission		26 MoReg 559	26 MoReg 1756	
10 CSR 25-16.273	Hazardous Waste Management Commission		26 MoReg 560	26 MoReg 1756	
10 CSR 40-10.020	Land Reclamation Commission		26 MoReg 1798		
10 CSR 40-10.050	Land Reclamation Commission		26 MoReg 1798		
10 CSR 60-7.020	Land Reclamation Commission		26 MoReg 1799		
10 CSR 60-10.040	Land Reclamation Commission		26 MoReg 1801		
10 CSR 60-14.020	Public Drinking Water Program				26 MoReg 1847
10 CSR 60-15.020	Public Drinking Water Program		26 MoReg 1802		
10 CSR 60-15.030	Public Drinking Water Program		26 MoReg 1804		
10 CSR 60-15.050	Public Drinking Water Program		26 MoReg 1804		
10 CSR 60-15.060	Public Drinking Water Program		26 MoReg 1805		
10 CSR 60-15.070	Public Drinking Water Program		26 MoReg 1809		
10 CSR 60-15.080	Public Drinking Water Program		26 MoReg 1813		
10 CSR 60-15.090	Public Drinking Water Program		26 MoReg 1816		
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 30-7.010	Office of the Director		26 MoReg 1817		
11 CSR 40-5.065	Division of Fire Safety	26 MoReg 1125	26 MoReg 1173	26 MoReg 1844	
11 CSR 40-6.060	Division of Fire Safety	26 MoReg 857			
11 CSR 45-3.010	Missouri Gaming Commission		26 MoReg 1259		
11 CSR 45-4.380	Missouri Gaming Commission		26 MoReg 1259		
11 CSR 45-5.100	Missouri Gaming Commission		26 MoReg 1054	26 MoReg 1844	
11 CSR 45-5.237	Missouri Gaming Commission		26 MoReg 1054	26 MoReg 1844	
11 CSR 45-12.090	Missouri Gaming Commission		26 MoReg 1055	26 MoReg 1844	
11 CSR 45-12.091	Missouri Gaming Commission		26 MoReg 1057	26 MoReg 1845	
11 CSR 50-2.020	Missouri State Highway Patrol	26 MoReg 1793	26 MoReg 1817		
11 CSR 50-2.120	Missouri State Highway Patrol		26 MoReg 1818		
11 CSR 50-2.270	Missouri State Highway Patrol	26 MoReg 1793	26 MoReg 1818		

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	DEPARTMENT OF REVENUE				
12 CSR	Construction Transient Employers				26 MoReg 1214
					26 MoReg 1848
12 CSR 10-3.280	Director of Revenue		26 MoReg 1060R	26 MoReg 1756R	
12 CSR 10-3.882	Director of Revenue		26 MoReg 1060R	26 MoReg 1756R	
12 CSR 10-23.452	Director of Revenue		26 MoReg 1458		
12 CSR 10-24.030	Director of Revenue	This Issue	26 MoReg 1677		
12 CSR 10-24.442	Director of Revenue		26 MoReg 1458		
12 CSR 10-24.465	Director of Revenue		26 MoReg 1329		
12 CSR 10-110.600	Director of Revenue		26 MoReg 1678		
12 CSR 10-110.955	Director of Revenue		26 MoReg 1679		
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 15-4.010	Division of Aging		26 MoReg 807		
13 CSR 15-7.021	Division of Aging		This Issue		
	(Changed to 19 CSR 15-7.021)				
13 CSR 15-9.010	Division of Aging	26 MoReg 1501	26 MoReg 1515		
13 CSR 30-2.010	Child Support Enforcement		26 MoReg 1060	26 MoReg 1756	
13 CSR 30-10.010	Child Support Enforcement		26 MoReg 1173	26 MoReg 1756W	
			26 MoReg 1681		
13 CSR 40-19.020	Division of Family Services	This Issue	This Issue		
13 CSR 70-4.090	Medical Services		26 MoReg 936	26 MoReg 1757	
13 CSR 70-10.015	Medical Services		26 MoReg 1820		
13 CSR 70-10.110	Medical Services	26 MoReg 1889	26 MoReg 1904		
13 CSR 70-10.150	Medical Services	26 MoReg 1502	26 MoReg 1515		
13 CSR 70-15.010	Medical Services		26 MoReg 1907		
13 CSR 70-15.040	Medical Services		26 MoReg 1911		
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